














UNC Modification	At what stage is this document in the process?
<h1>UNC 0674:</h1> <h2>Performance Assurance Techniques and Controls</h2>	<div>01 Modification</div> <div>02 Workgroup Report</div> <div>03 Draft Modification Report</div> <div>04 Final Modification Report</div>
<p><b>Purpose of Modification:</b></p> <p>To provide an effective framework for the governance of industry performance that gives industry participants mutual assurance in the accuracy of settlement volume allocation</p>	
	<p>The Proposer recommends that this modification should be:</p> <ul style="list-style-type: none"> <li>assessed by a Workgroup</li> </ul> <p>This Modification will be presented by the Proposer to the Panel on 15 November 2018. The Panel will consider the Proposer's recommendation and determine the appropriate route.</p>
	<p>High Impact:</p>
	<p>Medium Impact:</p> <p>Shippers</p>
	<p>Low Impact:</p> <p>Transporters</p>

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Timetable		 0121 288 2107
The Proposer recommends the following timetable:		Contact: <b>Joint Office of Gas Transporters</b>
Initial consideration by Workgroup	19 November 2018	 <a href="mailto:enquiries@gasgovernance.co.uk">enquiries@gasgovernance.co.uk</a>
Workgroup Report presented to Panel	16 May 2019	 07841 523648
Draft Modification Report issued for consultation	16 May 2019	Proposer: <b>Mark Bellman</b>
Consultation Close-out for representations	07 June 2019	 <a href="mailto:mark.bellman@scotfishpower.com">mark.bellman@scotfishpower.com</a>
Final Modification Report available for Panel	11 June 2019	 07778 150 668
Modification Panel decision	20 June 2019	Transporter: <b>Chris Warner</b> <b>Cadent</b>
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# 1 Summary

**This Modification is being raised on behalf of the Performance Assurance Committee.**

## What

**The current Performance Assurance Framework (PAF) does not support improvement in process performance where it is required. Poor process performance causes settlement allocation errors including high and volatile Unidentified Gas (UIG).**

**A framework of progressive and proportionate techniques is required to provide the support, incentive and controls to assure adequate performance by market participants.**

The overarching instrument for the Gas Settlement Performance Assurance Regime, PAF was introduced with the implementation of Modification 0506V – “Gas Performance Assurance Framework and Governance Arrangements” and created the PAF along with details of the Scheme’s operation, the Performance Assurance Committee (PAC) and its operation and scope, and operation and provision of services to be provided by the Performance Assurance Framework Administrator (PAFA).

However, despite introducing a risk-based PAF, in practice the PAF is currently limited to monitoring performance reports and writing letters to the Market Participants displaying poor performance. Presently there are a number of issues with some of the data and reports which means that even this ‘tool’ can only be used to a limited extent.

The general obligations include little guidance on which targets impact settlement quality; there are no consequences of failing to meet obligations or target measures where they exist and no incentives to meet them. There is no progressive series of techniques to help, support, incentivise and ultimately hold to account the performance of failing parties; and there are inadequate target measures to assure the quality of settlement charges.

The PAC proposes making changes to UNC and related documents to ensure that the industry has an effective and practicable assurance framework to manage and mitigate risk in the market.

## Why

**Since the implementation of Project Nexus on 01 June 2017, a number of issues have impacted settlement allocations, and this has a direct effect on the financial and commercial health of market participants and ultimately customers.**

**There are a number of areas where failing processes are resulting in unacceptable risks to settlement allocation. The absence of this framework has also contributed, in part, to high and volatile UIG.**

To date performance remedies are limited to PAC instructing the CDSP to engage with the failing participant and asking the PAFA to write a formal letter requesting the issue to be resolved.

This is having limited effect. To cite just 3 examples:

- i) even after OFGEM wrote to participants on the DM issues suffered from Nexus go-live, and despite Xoserve’s engagement with those Shippers, there are still 32, (at the time of writing), sites which have not had retrospective consumption adjustments from June 2017. It also took nearly a year to resolve root causes for 177 DM meters.
- ii) Product Class 3 read performance, despite Xoserve’s engagement with the affecting Shippers, is still well below the performance target.

- iii) Shipper packs and dashboards highlight many other areas where processes are failing and there are no consequences of Shippers failing to act on these reports and no controls that PAC can employ to support Shippers in improving their performance.

Ofgem, the PAC and the industry have discussed the benefits of having performance incentives to improve settlement accuracy and reduce risk. For example, in the level of reads accepted into settlement.

In addition, Ofgem has on a number of occasions advised that they want to see improvements to the performance assurance scheme developed in the gas market – including in their determination on Modifications 0473/A and 0506V.

And in their decision letters on Modifications 0619/A/B they requested that industry parties increase “the frequency and quality of meter read data being submitted to the Central Data Services Provider” and in their decision letter on Urgent Modifications 0642/0642A/0643 they requested that “To the extent that Xoserve depends on data provided by third parties, including the provision of frequent and accurate meter readings, it is expect to work with those parties and the PAC to ensure that these requirements are identified and being met.”

There is currently no effective mechanism for meeting these challenges, aside from relying on Shippers best intentions which is not currently delivering adequate read performance or settlement certainty.

## How

**The Proposer on behalf of PAC proposes to introduce UNC (and possibly other parallel) changes to codify the required progressive series of techniques to improve performance of failing Shippers.**

The specific targets and Supplier charges themselves will not be specified here but left for other Modifications.

The solution is to introduce a number of specific processes and obligations to give effect to various Preventive, Detective, Incentive and Remedial controls to monitor and improve performance of market participants.

These controls are informed by complementary values of Education and Engagement. They will be applied with reference to two Performance Assurance Objectives that ensure the technique is appropriate and proportionate.

The controls will comprise a progressive series of techniques applied to participants who present a risk to settlement. In this way a risk that presents a more significant impact to Settlement would necessitate the use of a stronger control.

This enhanced PAF will apply to the UNC parties that directly contribute to energy settlement performance. including Gas Transporters, Central Data Service Provider and Shipper Users.

The Proposer on behalf of the PAC proposes that the required enhancements include:

- A. Performance Assurance Objectives
- B. Performance Assurance Proportionality
- C. Materiality Assessment
- D. Escalation Framework
- E. Performance Targets & Charges
- F. Scalability & Change
- G. Consequences
- H. Review Cycle
- I. Preventive Controls
- J. Disputes
- K. Budget

In summary these proposals can together be described as:

- ⇒ **The Framework**. This Modification will lay out the over-arching changes required to support market participants and to bind them to performance obligations and the consequences of failing to meet these obligations.
- ⇒ **The Tools**. It will define the specific progressive series of proportionate techniques to prevent or remediate failure to meet target measures.
- ⇒ **The Targets**. PAC will develop a Targets And Incentives Methodology (TAIM) Document to outline the principles for determining targets and charges.

In this way market participants have certainty about the consequences of any specific performance measures. Such target measures would then be developed under other modifications raised by market participants (for example on read performance, exception resolution, etc)

These are defined in more detail in the **Solution** section below.

## 2 Governance

Self-Governance does not apply because this change could have a material effect on the Performance Assurance Framework and would potentially impact the availability of non-anonymised and commercially sensitive data to PAC, and therefore impact competition in shipping, transportation or supply of gas conveyed through pipes or any commercial activities connected with the shipping, transportation or supply of gas conveyed through pipes.

Therefore, it will need to be sent for Authority Direction.

Evidence of the material nature of performance failures includes:

- i) The number of Shipperless sites across all Shippers
- ii) The number of Incorrect meter details across all Shippers (*ref Shipper Pack*)
- iii) Of the [xk] sites that should have site-specific correction factors, xk have a standard correction factor (*ref XoServe*)
- iv) 32 DM sites remain with consumption adjustments outstanding since 1<sup>st</sup> June 2017 (*Ref XoServe weekly updates*)
- v) PC3 read performance is poorer than PC4

Evidence of the material impact of such performance failures is the:

- i) volatility and scale of UIG
- ii) size of reconciliation adjustments
- iii) % movement in AQs following read

### Requested Next Steps

This Modification should:

- be considered a material change and not subject to self-governance
- be assessed by a Workgroup

This is a complex Modification Proposal and will require significant stakeholder engagement.

PAC consider that the performance framework is not fit for purpose and as such the industry is suffering inaccurate settlement with the attendant exposures from uncertainty for finances, forecasting and trading positions, customer contracts and tariffs.

For this reason, it is imperative that a functional, practicable and effective framework is mandated as soon as possible.

At this early point in development of the proposal, it cannot be ruled out that the solution could have Cross Code (e.g. IGT UNC) and also that some elements of the solution will require off-code developments (such as the proposed TAIM document). And the systems impact is thought to be largely limited to reporting and invoicing. But there will be some significant development of new processes, including potential changes to the obligations under Code of, and the contractual arrangements between, PAFA and CDSP.

### 3 Why Change?

1. The driver for change is the expected fall in confidence amongst Shippers in the fairness of settlement costs; arising from lack of effective management of Shippers who are failing to meet their compliance obligations
2. As mentioned above, it is likely that the scope of the solution will include Code and non-Code changes
3. It is believed that if proposed changes are not made then the increased settlement uncertainty will cause
  - i) a barrier to entry with adverse impact on competition;
  - ii) inefficiency as Shippers deal with the fallout from failed processes; and
  - iii) uncertainty in settlement that could become built into Shipper budgets and thereby into customer tariffs

### 4 Code Specific Matters

#### Reference Documents

Performance Assurance Framework

UNC TPD Section V

#### Knowledge/Skills

Knowledge of settlement risk or other performance regimes would be an advantage.

## 5 Solution

For the purpose of facilitating a joined-up read-across for the whole solution, the proposals will be documented in this section. It may therefore contain elements that are not Code changes. However, prior to the Workgroup report and Consultation the non-Code elements will be clearly highlighted as required, to aid the subsequent development of Legal Text.

For example, some of the solution will involve amendments to existing PAF documents which of course as well as UNC (and possibly other) code changes

### General

The PAF operates under the *vires* of UNC.

It assumes that all industry market participants (Gas Transporters, the Transporter Agency (or Central Data Service Provider (CDSP) as its successor) and Shipper Users) intend, as a party to the UNC, to meet their obligations under the UNC and DSC.

By so doing they thereby agree to submit to the jurisdiction of PAC.

All market participants must be aware of and understand the PAF, its objectives and the case for its employment as a UNC control. To support this, the PAC and PAFA will ensure availability of sufficient materials to provide Performance Assurance Parties with the required information.

The following terms will be defined and referred to in the solution:

Define Performance Assurance Party (PAP) as

“each signatory to the UNC and any other party as from time to time is identified by PAC as having a potentially significant impact on the Performance Assurance Objectives by its acts or omissions howsoever occasioned”

Define Settlement Risk(s) as

“a process, system, data, behavioural or other risk to the accurate recording of meter-level data and calculation of settlement volumes (for either Nomination, Allocation, Reconciliation, Amendments”

### A. Performance Assurance Objectives

The objective of performance assurance is not to achieve a given level of performance for its own sake, but to guide the development and execution of those PAPs’ processes that impact on settlement and metering records to a standard that avoids any deleterious economic impact on other PAPs

The Performance Assurance Objectives (defined below) are specific to the desired outcome of performance assurance, namely accuracy of

- i) settlement volume allocation to each shipper
- ii) records of meters and associated data on which all shippers will depend if they gain registration of that meter

The following terms will be defined as shown.

Define Performance Assurance Objectives as

“(i) the efficient, equitable and accurate allocation of energy between Shippers resulting from the aggregated consumption of Metering Systems for which each Shipper is responsible; and

(ii) the efficient, accurate and co-ordinated transfer of Metering Systems data by Performance Assurance Parties between Shippers.”

Define who should give consideration to the Performance Assurance Objectives and under what circumstances:

“In the context of any process, action, decision or omission insofar as they impact on Settlement Risk(s), the Modification Panel, the UNCC and any sub-committee (including but not limited to PAC) shall have regard to the Performance Assurance Objectives (so far as consistent with the provisions of the Code), save where to do so would, in the opinion of the subject of this clause, substantially prejudice the interests of all Performance Assurance Parties collectively or a class of Performance Assurance Parties collectively”

Define under what circumstances the Performance Assurance Objectives should be considered. For example

“In the context of Settlement Allocation, Nomination or Amendments, the PAC when performing the PAF Functions and the UNCC when approving the Risk Evaluation Register, the Risk Operating Plan or hearing Risk Management Determination Appeals or Disputes”

## **B. Performance Assurance Proportionality**

What will not change:

PAC membership will remain as it is currently comprised.  
PAC members will operate in the best interests of the industry  
PAC members will discharge their duties without discrimination between customer or shipper segments.

Proposed changes:

PAC members will be asked to sign Non Disclosure Agreement (NDAs)  
PAC will be vested, under proposed UNC changes, with powers to decide on appropriate incentive regimes and targets, with the sole objective of meeting the Performance Assurance Objectives.  
Consider formalising certain rules for ex PAC Members.

**The various consequences will, at the discretion of PAC, be applied proportionately to PAPs who are failing to meet Settlement Performance Obligations with the sole objective of, and only for as long as is required to, improve performance to a level that no longer presents a material risk to the achievement of the Settlement Assurance Objectives**

PAFA will be responsible for communicating with the PAP on behalf of PAC on all matters relating to the PAP's performance.

In determining the nature of such communications, the following Performance Engagement Principles will be adhered to:

- ⇒ Not to act on 'old' data
  - the data being used as a trigger for performance action is as up-to-date as is reasonably practicable and consistent with the generally used timeframes in the gas industry
- ⇒ To ensure the definition of the reported data is what we intend to measure
  - Performance measures relate to UNC obligations, or such other measures as may be specified by PAC from time to time.
  - The reports being used to evidence performance against this obligation must be approved by PAC as a Performance Assurance Report to be used for the purposes of performance reporting
- ⇒ To ensure the PAP is in receipt of the exact same data
  - There are many different sources of data in the industry. Some will appear to the untutored eye to be duplicating a measure, but it is likely that either to



- ⇒ To present the PAP with that same data as evidence for the action
  - Include in the letter the data used for the trigger
- ⇒ To ensure the PAP is not surprised by the receipt of a letter
  - OSM should have already had conversations with the PAP on this particular performance issue to determine that the PAP
    - Understands the obligation, the measure and the consequences of non-compliance
    - Understands how the operation affects the measure
    - Has seen the particular Performance Assurance
- ⇒ To ensure the letter balances the offer of support and right to reply with clarity on their obligation, performance and consequences
  - PAC will ensure PAPs receive support (awareness, education, critical friend) where engagement is open and issues are not deliberate or negligent [?].
  - PAC will ensure that PAP is in possession of the evidence on which the breach is determined
  - PAC will be clear on the obligation breached

PAC will be clear on the consequences of the breach, including of not engaging with PAC

### **C. Materiality Assessment**

PAFA is required to evaluate each risk to allow PAC to prioritise performance improvement actions and ensure that the controls applied are proportionate.

The basis for such evaluation should be clearly stated and references given to source material so that PAC can review.

Materiality of the risk must be made with reference to the Performance Assurance Objectives so is based on either an estimated or range of potential

- i) Errors in the settlement nomination, allocation or amendment volumes (in both absolute and net terms if across multiple shippers), or
- ii) meter-level data items and supply points impacted by the failure

### **D. Escalation Framework**

Define an Operational Support Manager (OSM) and their role as

“a Customer Advocate Manager employed by Xoserve, or such other persons nominated by PAC from time to time, who engages with the Performance Assurance Party, for the purpose of advising and supporting the PAP on their performance in relation to, and contribution to, Settlement Risks”

The OSM role is responsible for

- i) using appropriate reports and data to identify the need to engage with a PAP;
- ii) to so engage at the appropriate level in the PAP's organisation;
- iii) to advise the PAP of the consequences for settlement of their continued performance;
- iv) to provide support and know-how to help the PAP improve its performance;
- v) to escalate to the PAFA and ultimately to PAC in the event that, in their judgment the PAP is not going to improve its performance
- vi) to communicate as advised by PAC to the PAP
- vii) to advise PAC of the PAP response

A progressive series of escalations shall be employed in the event that a PAP fails to improve its performance and continues to present a material risk to the Settlement Performance Assurance Objectives:

Trigger 1 – OSM is advised by PAFA and/or PAC of performance failure of non-compliance.

Trigger 2 – OSM identifies a performance failure or non-compliance through engagement with the PAP.

OSM collates supporting evidence if necessary to illustrate the PAP performance and advises PAP.

OSM advises PAC of history of engagement and outcome including PAP actions to date and improvement plans.

PAC decides whether to write formally to PAP and/or to invite PAP to present their improvement proposals to PAC.

UNC to contain an obligation on UNC Parties to attend PAC if invited.

### **E. Performance Targets & Charges**

Define Supplier Charges as

“such charges as are from time to time recommended by PAC and approved by UNCC representing the genuine pre-estimate of loss to other PAPs arising from a PAP failing to meet an UNC performance obligation and charged to the failing PAP”

Supplier Charges shall

- ⇒ Be set in accordance with the principles defined in the Targets And Incentives Methodology
- ⇒ Be defined in the Performance Framework Supplier Charges Schedule
- ⇒ Be calculated monthly by PAFA and advised to PAC
- ⇒ Be levied on PAPs following approval of the charge by PAC
- ⇒ Be invoiced to the respective PAP by Xoserve within 20 working days of approval by PAC
- ⇒ Apply in respect of such measures as recommended by PAC and approved by UNCC, immediately appended to the Performance Framework Supplier Charges Schedule and applicable

The redistribution of the charges collected by CDSP from shippers in respect of Supplier Charges shall be in accordance with the principles defined in the TAIM

### **F. Scalability & Change**

Obligation on PAFA to update PAC each month on prospective areas of performance exposure or mitigation arising from new Modifications.

Obligation on PAFA to update risk register with risk evaluation within one month of notification of new risk  
Annual performance assurance review cycle to include

- i. Risks increased / reduced over the year
- ii. Shipper performance trend over the year
- iii. controls in effect over the year and which appear to have been effective/ineffective
- iv. opinion on proportionality for controls applied during the year

PAC rights to propose changes to performance targets and Supplier Charges (subject to UNCC approval)

PAC to carry out a PAF Review, on either

- v. request from UNCC
- vi. request from simple majority of Shippers [?]
- vii. the expiration of 3 years since the last Review

### **G. Consequences**

A progressive series of consequences will be proposed and developed comprising:

- i) Level1 - OSM engagement  
UNC obligation on Shipper to respond to Request For Information (RFI) received from OSM, XoServe or PAFA

- ii) Level2 - PAF education
  - UNC obligation on shipper to submit such employees and/or contractors to a course given by the Technical Reviewer on the application of UNC processes
  - Definition of Technical Reviewer as such suitably qualified person(s) as appointed by PAFA for the purpose of sampling and auditing a shipper's operational process and/or providing technical training and instruction in UNC processes
- iii) Level3 - PAF escalation
  - UNC obligation on shipper to submit to a Technical Review of their internal system/process carried out by a Technical Reviewer
- iv) Level4 - Milestone Plan
  - The PAP will present to OSM a milestone plan and commit to resource and deliver the milestones
  - The plan is to be in sufficient detail as to persuade the OSM that the PAP understands the changes required and can deliver them to plan
  - Failure to provide a suitable MP or to meet the milestones can at the OSM's discretion, result in the PAP's MP being escalated to the PAC
- v) Level5 – Escalated Milestone Plan
  - The PAP will present to PAC a milestone plan and commit to resource and deliver the milestones
- vi) Level6 – Re-certification of systems/processes
- vii) Level7 – escalate to UNCC with a recommendation that the party's ability to make registration changes is limited or even revoked.

Level 7 should only apply after a protracted period of non-improvement, missed milestones or if the current performance failure or non-compliance could, of itself, constitute a material breach of UNC and/or a material risk to fair and equitable settlement allocation.

## H. Review Cycle

Risks to settlement are not static and the performance of parties is not static.

In view of this there needs to be a formalised periodic review cycle to ensure that the framework is effective, relevant, economic and proportionate.

A review process will be proposed to ensure that the latest developments in assurance, any changing risks, performance levels and the industry's views are accommodated.

This will involve an annual cycle and a more extensive obligation for wider scale review periodically.

## I. Preventive Controls

Preventive Controls would be applied where there is a potential risk to settlement if no preventive action was taken. This involves

- ⇒ periodic evaluation of all systems, process and parties in the settlement supply chain
- ⇒ to determine the likelihood and magnitude of potential error in settlement allocation or meter-level data and then
- ⇒ identifying the appropriate preventive control

The proposed preventive controls are:

- Provide education and awareness to the industry
  - PAFA will procure and make available to industry a series of 'simple' guides to settlement processes and Settlement Risks.
  - PAFA will provide an annual education day for Shippers and their agents covering the Settlement Risks and how to operate those processes in a compliant manner so as to avoid performance failures

- Provide education and awareness to PAPs who are new to the market, prior to their starting to operate and as a condition of their Qualification (see below)
- Annual review of Risk Register
  - o Evaluate risks and identify required controls to prevent risk occurring
  - o Such controls will include, but not limited to:
    - PAFA engages with the affecting participant advising them of the risk arising from their processes
    - PAFA provides annual education day to the industry on how to avoid key risks
    - PAFA engages with particular participants to note performance trend
- Qualification testing
  - o Develop appropriate tests to ensure that
    - new participants have effective systems and processes and
    - are 'fit and proper' persons to enter the market

## **J. Disputes**

A formal process for raising and determining on disputed settlement allocations or amendments will be developed

## **K. Budget**

The PAC currently can commit Xoserve expenditure to performance assurance activities (subject to DSC Contract Management Committee approval) up to a pre-defined budget limit each year. Each proposal will be approved and prioritised by DSC Contract Management Committee on an annual cycle and budgeted by Xoserve.

The objectives of such expenditure shall be to improve settlement certainty through ongoing review, development and improvement of the performance assurance framework.

The scope of PAC's authority to commit such expenditure shall be written into a 'PAC Budget Accountability' document to be developed under this modification, the objective of which is to deliver an annual 'Performance Assurance – Risk Mitigation' workplan for industry consultation.

# **6 Impacts & Other Considerations**

## **Does this modification impact a Significant Code Review (SCR) or other significant industry change projects, if so, how?**

None identified.

## **Consumer Impacts**

No direct impacts identified.

## **Cross Code Impacts**

There may be an IGT UNC impact.

There may be an impact on the DSC and the contract between the PAFA and CDSP.

## EU Code Impacts

None identified.

## Central Systems Impacts

Some development to support new reporting and invoicing processes.

## 7 Relevant Objectives

Impact of the modification on the Relevant Objectives:

Relevant Objective	Identified impact
a) Efficient and economic operation of the pipe-line system.	None
b) Coordinated, efficient and economic operation of (i) the combined pipe-line system, and/ or (ii) the pipe-line system of one or more other relevant gas transporters.	None
c) Efficient discharge of the licensee's obligations.	None
d) Securing of effective competition: (i) between relevant shippers; (ii) between relevant suppliers; and/or (iii) between DN operators (who have entered into transportation arrangements with other relevant gas transporters) and relevant shippers.	Positive
e) Provision of reasonable economic incentives for relevant suppliers to secure that the domestic customer supply security standards... are satisfied as respects the availability of gas to their domestic customers.	None
f) Promotion of efficiency in the implementation and administration of the Code.	Positive
g) Compliance with the Regulation and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators.	None

d) It is believed that these proposals will reduce settlement costs by reducing volume uncertainty at nomination and allocation, thereby reducing the likelihood of Shippers building in risk premiums into budgets and customer contracts. This will improve competition between Shippers, not least by reducing potential barrier to entry or new Shippers.

f) The current PAF is not effective and therefore the value from associated expenditure is questionable (both direct costs under contract and indirect costs of Shippers dealing with issues arising from poor performance of settlement processes). It is believed that these proposals will improve the effectiveness of PAF and therefore promote more efficient implementation and administration of the Code.

## 8 Implementation

No implementation timescales are proposed. This Proposal could be implemented as soon as an authority direction is received and subject to DSC Change Management Procedures for any consequential system changes.

## 9 Legal Text

### Text Commentary

To be provided by Transporters.

### Text

To be provided by Transporters.

Initial pre-mod discussions with the IGT UNC Code Administrator that a reference in M5.9 and M5.10 to the required other provisions pursuant to this Modification could provide IGT UNC with the 'link' to the proposed performance assurance controls.

## 10 Recommendations

### Proposer's Recommendation to Panel

Panel is asked to:

- Agree that Authority Direction should apply
- Refer this proposal to a Workgroup for assessment.