










UNC Final Modification Report	At what stage is this document in the process?
<h1>UNC 0813:</h1> <h2>Revision of Virtual Last Resort User and Contingent Procurement of Supplier Demand Event Triggers</h2>	<div>01 Modification</div> <div>02 Workgroup Report</div> <div>03 Draft Modification Report</div> <div>04 Final Modification Report</div>
<p>Purpose of Modification:</p> <p>To extend availability of ‘Virtual Last Resort User’ and ‘Contingent Procurement of Supplier Demand’ provisions (currently only available as a consequence of User Termination) to instances where (in exceptional circumstances) National Grid NTS issues a User Premises Termination Notice (as a consequence of the application of sanctions on that User by the UK Government). The availability of these two mechanisms in such an event will facilitate the maintenance, ongoing integrity and continued effective operation of the commercial Energy Balancing and Transportation arrangements in the immediate/short term until an alternative User Registration is in place for the relevant Supply Meter Points.</p>	
<p>Next Steps:</p> <p>Panel consideration is due on 16 February 2023</p>	
<p>Impacted Parties:</p> <p>High: Suppliers, Shippers, Distribution Network Operators, independent Gas Transporters, Consumers</p> <p>Low:</p> <p>None:</p>	
<p>Impacted Codes:</p>	

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1 Summary

What

If, as a consequence of User (Shipper) Termination, a Supplier in respect of all or some of the Terminated Supply Points is operating under the terms of a binding Undertaking (a 'Supplier Undertaking') it has given to Transporters (i.e. there is no Registered User in place for the relevant Supply Meter Points), the UNC currently provides for:

- **a Virtual Last Resort User ('VLRU')**
enabling the relevant Supplier to utilise other existing User relationships to source additional supplies of gas and make trade nominations to the Terminated User account to balance that portfolio and mitigate increased costs, until a new Registered User is appointed.
- **Contingent Procurement of Supplier Demand ('CPSD')**
requiring that, separate to its role as residual balancer, National Grid NTS ('National Grid') procures gas to meet the forecast demand of Terminated Supply Meter Points that are temporarily without a Registered User. In this ringfenced role, gas is able to be procured more efficiently compared to purchases actioned via the residual balancer role.

Why

The VLRU and CPSD mechanisms are in place to mitigate the Total System imbalance risk presented by a Supplier operating under the terms of the Supplier Undertaking it gives to Transporters (as it will not be delivering gas to meet the demand of its customers). The availability/application of both the VLRU and CPSD mechanisms are contingent on the occurrence of a User Termination on the basis that the Supplier Undertaking is predicated upon arrangements between the Transporter and the relevant User at the relevant premises to 'coming to an end' (as set out in Supplier Licence Condition 18(1)).

As the application of sanctions on a User by the UK government does not constitute a User Default event under the UNC, a Transporter is not able to issue a Termination Notice as a direct consequence. Hence a mechanism is required to ensure 'activation' of the Supplier Undertaking (i.e. for arrangements between the Transporter and the relevant User at the relevant premises to 'come to an end'). Further, in order to mitigate the consequential imbalance risk, the triggers for availability of the VLRU and CPSD mechanisms need to be extended to where the aforementioned arrangements have 'come to an end' in these circumstances.

How

It is proposed that National Grid may issue a notice (a '**User Premises Termination Notice**' (UPTN)) to a User due to application of sanctions (on that User) by the UK government. This will have the effect of discontinuing the relevant User's Registration for any Supply Meter Points for which it is the prevailing Registered User whilst it remains a 'live' (i.e. not terminated) User. The UPTN will set out the reason(s) for the issue of the UPTN and the date from which the registration of the relevant Supply Meter Points is to be discontinued.

It is proposed that in addition to the existing User Termination trigger for the application of VLRU and CPSD terms (as set out in TPD Section E10.1.1(a) and TPD Section D6.12(a) respectively), the availability of these two mechanisms is also triggered by National Grid issuing a UPTN to a User.

This Modification will introduce the concept a UPTN. For the avoidance of doubt, the User which is subject to the UPTN will remain liable for the Energy Balancing and Transportation Charges accrued up to the point that its registrations of the relevant Supply Meter Points are discontinued.

It is proposed from the date from which the registration of the relevant Supply Points is discontinued, the relevant Supply Points will be subject to the same provisions as Terminated Supply Meter Points and the remaining provisions of TPD Section E10.1.1 and TPD Section D6.1.2 shall apply accordingly.

2 Governance

Justification for Authority Direction

There is currently a risk of a User, which may ship gas for one or more related or unrelated Suppliers, being subject to a UPTN to take immediate effect, or with a relatively short period of notice. If these Suppliers operate under their 'Supplier Undertaking' (explained in the Why Change? Section 3, below) then there would be no User delivering gas to the system to meet the demand of these Supply Meter Points, thereby generating a national supply / demand imbalance, assuming all other Users were balanced.

Measures to mitigate the adverse implications of a material supply/demand imbalance as a consequence of User Termination were implemented by Modifications 0788¹ and 0791². However, these mechanisms are not currently available where a User is subject to a UPTN as a consequence of the application of sanctions by the UK government.

We believe that if this Modification to extend the availability of these mechanisms to instances where the Authority issues a UPTN is not implemented, there is a risk of a significant commercial impact on UNC parties, on the operation of the gas system and gas markets and therefore Authority Direction is applicable.

Panel determined the modification is likely to have a material effect on competition in the 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.

Modification 0813 will therefore follow Authority Direction procedures.

Requested Next Steps

This Modification should be issued for consultation.

3 Why Change?

Existing UNC Terms

As a consequence of User Termination, a Supplier may be required to operate (in respect of all or some of the Terminated Supply Meter Points) under the terms of a Supplier Undertaking it has given to Transporters³ given that arrangements between the Transporter and the relevant User to convey gas to premises supplied by that Supplier have 'come to an end'⁴ (i.e. there is no Registered User in place for the relevant Supply Meter Points). Operation of this Supplier Undertaking ensures appropriate apportionment of liability for transportation and energy balancing charges (for offtake from the Total System) until a new User is in place. Whilst the Supplier Undertaking is in place, it is assumed to have delivered no (i.e. zero) gas to the system to balance the demand

¹ Minimising the market impacts of 'Supplier Undertaking' operation - Virtual Last Resort User

² Contingency Gas Procurement Arrangements when a Supplier acts under a Deed of Undertaking - Contingent Procurement of Supplier Demand

³ In accordance with Condition 18.2 of the Supplier Licence

⁴ As per Condition 18.1(a) of the Supplier Licence

of the consumers it supplies. This reflects the fact that that a Supplier will not have established commercial arrangements to secure delivery of gas to the Total System to balance the demand of its consumers.

In such an event, in order to mitigate the consequential risk of a material system imbalance (shortfall) the UNC provides for:

- a **VLRU** as per TPD Section E10

This enables the relevant Supplier to utilise other existing User relationships it may have to source additional supplies of gas and make trade nominations to the Terminated User account to balance that portfolio and mitigate increased costs, until a new Registered User is appointed.

- **CPSD** as per TPD Section D6

This requires that, separate to its role as residual balancer, National Grid procures gas to meet the forecast demand of Terminated Supply Meter Points that are temporarily without a Registered User.

User Premises Termination Notice (UPTN)

Application of sanctions by the UK Government to a User which inhibits its ability to operate in the GB market does not, of itself, constitute a User Default and therefore a Transporter is not able to issue a Termination Notice as a direct consequence of the application of such sanctions. Notwithstanding this fact, a sanctioned User represents an additional scenario in which a Supplier may be required to operate in accordance with its Supplier Undertaking given the limitations imposed on that sanctioned User, more specifically its inability to operate in the GB market.

The material system imbalance risk that may be presented by a Supplier operating in accordance with the Supplier Undertaking (as set out above) prompted the development of the aforementioned mechanisms in Modifications 0788 and 0791. In order to trigger the application of the Supplier Undertaking, arrangements between the Transporter and the User at the relevant premises must 'come to an end'. In recognition of this, the availability/application of both the VLRU and CPSD mechanisms are currently contingent on the occurrence of a User Termination in the first instance.

Accordingly, to enable mitigation of the imbalance risk presented by User subject to sanctions, a mechanism is required to ensure 'activation' of the Supplier Undertaking which itself requires arrangements between the Transporter and the relevant User at the relevant premises to 'come to an end'. The proposed removal of the relevant User's Supply Point registrations achieves this and ensures activation of the Supplier Undertaking.

The proposed approach would permit National Grid to issue a notice to a User (a UPTN) as a consequence of the application of sanctions by the UK government. This would have the effect of discontinuing the relevant User's Registration for any Supply Points for which it is the prevailing Registered User. The UPTN would be issued whilst it remains a 'live' (i.e. not terminated) User.

Recognising the material impact on the relevant User of the issue of such a notice, the Proposal includes provision for the Authority to disapprove⁵ National Grid's issue of the UPTN. This effectively provides an appropriate 'check and balance' on National Grid's interpretation (if required) of the User, or Users, that are impacted by the sanction applied by the UK Government. This interpretation may be required as a User may not be explicitly identified as being subject to sanctions however it may be 'owned' or 'controlled' by the entity or individual/s that are subject to such. The entitlement for the Authority to do so will be established via a

⁵ As per General Terms Part C (Interpretation) section 2.8: Condition A11(18) Approval

combination of new UNC provisions providing for such, in combination with powers afforded to it under Standard Special Condition 11(18) of the Transporter Licence which states:

“Where a provision of the network code prepared by or on behalf of the licensee (excluding the terms of the uniform network code incorporated within it) and/or the uniform network code requires that, in circumstances specified in the provision, a determination by the licensee pursuant to that provision in a particular case should be such as is calculated to facilitate the achievement of the relevant objectives, any question arising thereunder as to whether the licensee has complied with that requirement shall be determined by the Authority.”

Given the unique circumstances that may apply in each case where sanctions are applied by the UK Government, it is not proposed that the UNC is prescriptive in respect of the timescale for Ofgem consideration of the proposed issue of the UPTN. Alternatively, this response timescale is proposed in each event to be mutually agreed between Ofgem and National Grid, taking account of the specific circumstances and potential imbalance risk of each event.

The UPTN will set out the reason(s) for issuing of this notice and the date from which the User's registration of the relevant Supply Points (both CSS Supply Points, and Non-CSS Supply Points) are to be discontinued. This User will remain liable for the Energy Balancing and Transportation Charges accrued up to the point that the relevant User's registration of the relevant Supply Points is discontinued.

In order to mitigate the impact of the relevant User on the provision of services by the CDSP under the Data Services Contract (DSC), the solution sets out that the CDSP will discontinue provision of such services (to that User) whilst it is subject to a UPTN.

Following the issue of a UPTN, Transporters will issue notice⁶ to any relevant Supplier that Shipper/Transporter arrangements for the conveyance of gas to the relevant premises have come to an end and therefore, until such time as a new Shipper becomes the Registered User of the relevant Supply Points, the Supplier will be operating in accordance with the binding Undertaking it has given to Transporters.

In line with entitlements afforded to the relevant Transporter when issuing a Termination Notice (as set out in TPD Section V4.3.8), where National Grid issues a UPTN to a User, it will be entitled to inform such persons as it thinks fit (including another Transporter) that it has done so; and it shall inform the CDSP that it has done so.

Consequences of a UPTN and Rationale for Proposal

The existence of an additional scenario in which a Supplier may be required to operate in accordance with its Supplier Undertaking and in which the VLRU and CPSD mechanisms are not available (due to the absence of a Termination Notice) presents the material system imbalance risk that prompted the development of the aforementioned mechanisms in Modifications 0788 and 0791.

On this basis, *extension* of the availability of these mechanisms, i.e. to include instances where a UPTN has been issued, is a logical means of mitigating this imbalance risk.

Consequences of non-implementation

In absence of the measures set out in this Proposal, any imbalance attributable to the issue of the UPTN (as described in this Proposal) would be included in the overall system imbalance National Grid evaluates in its role

⁶ In accordance with Condition 18.1(c) of the Supplier Licence (see <https://www.ofgem.gov.uk/industry-licensing/licences-and-licence-conditions>)

as Residual Balancer. As identified in Modification 0791, National Grid has limited access to markets in this Residual Balancing role. Hence this Modification would enable:

- gas to be provided by other shipper Users via the VLRU role; and/or
- gas to be procured more efficiently via a wider range of tools and timescales by National Grid in its residual balancing role

This would enable the minimisation of such imbalance volumes and facilitate the efficient procurement of any gas required to maintain Operational Balance⁷.

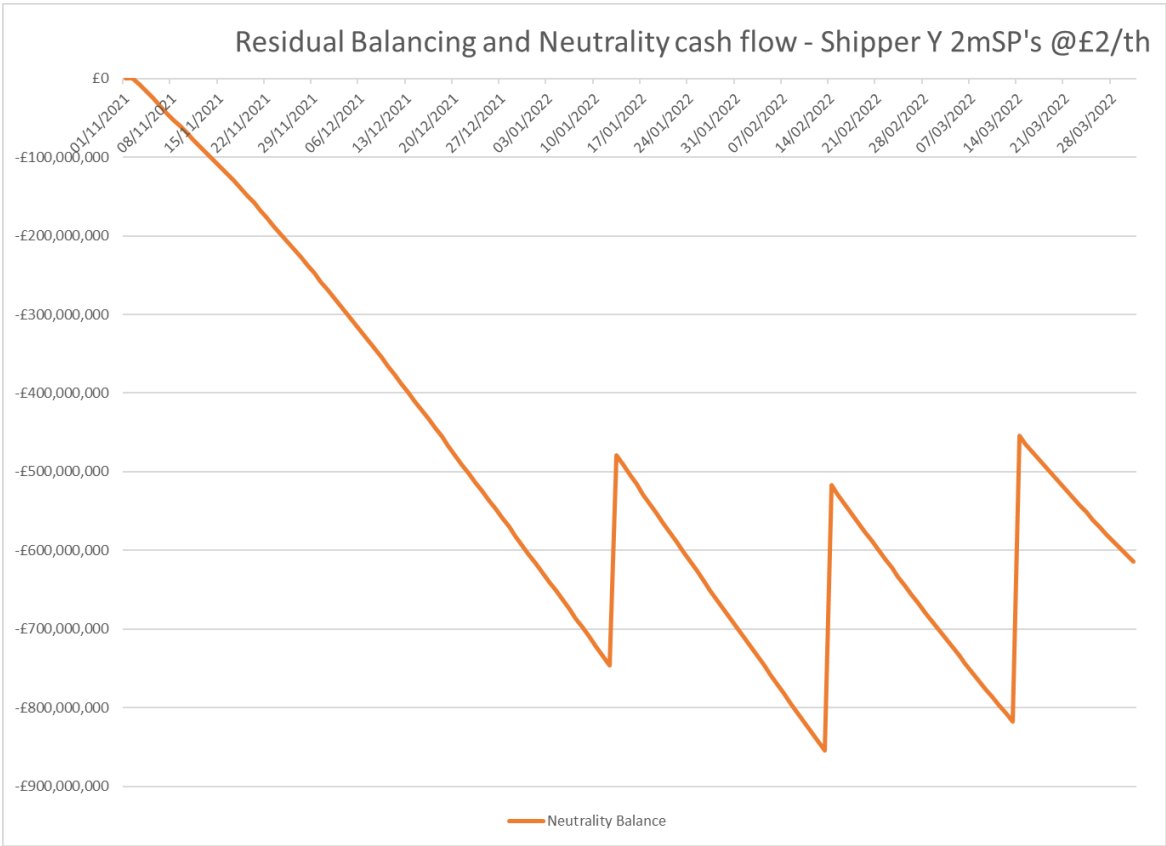
Potential Materiality

National Grid previously provided analysis to demonstrate materiality in the context of the issues identified in Modification Proposal 0791 using an illustrative Shipper portfolio size. The analysis previously provided for Modification Proposal 0791 applies equally to this Proposal in terms of illustrating potential materiality. This is because this Modification proposes the extension of the availability of the mechanism introduced by this Modification to an event where a User is subject to a UPTN. Therefore, that same analysis is replicated below:

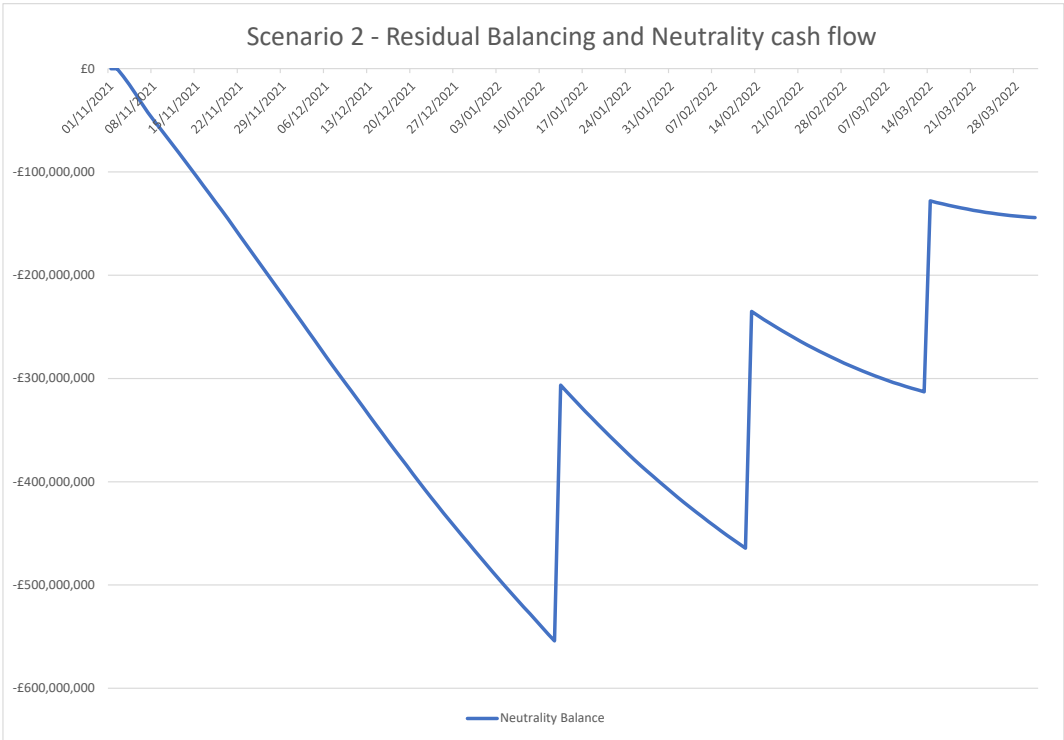
“National Grid NTS has modelled 4 scenarios to illustrate the potential cashflow exposure to the balancing neutrality account of the residual balancer procuring gas for a portfolio of 2 million supply points offtaking gas on a seasonal normal demand profile, assuming a gas price of £2.00 per therm. This portfolio size was requested at the National Grid NTS organised workshops and builds on the analysis presented in those meetings.

⁷ See UNC TPD Section D1.1.1

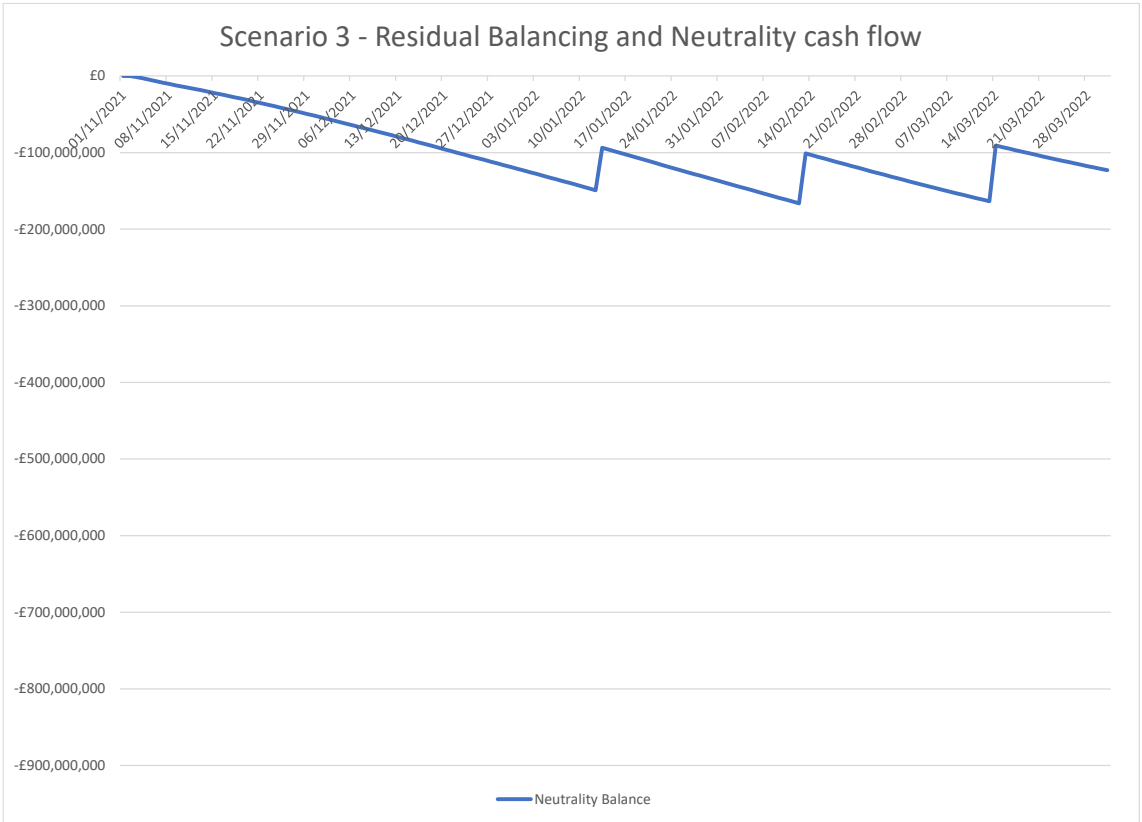
1) Assuming no migration of supply points from the failed shipper, peak neutrality exposure of ~£854m



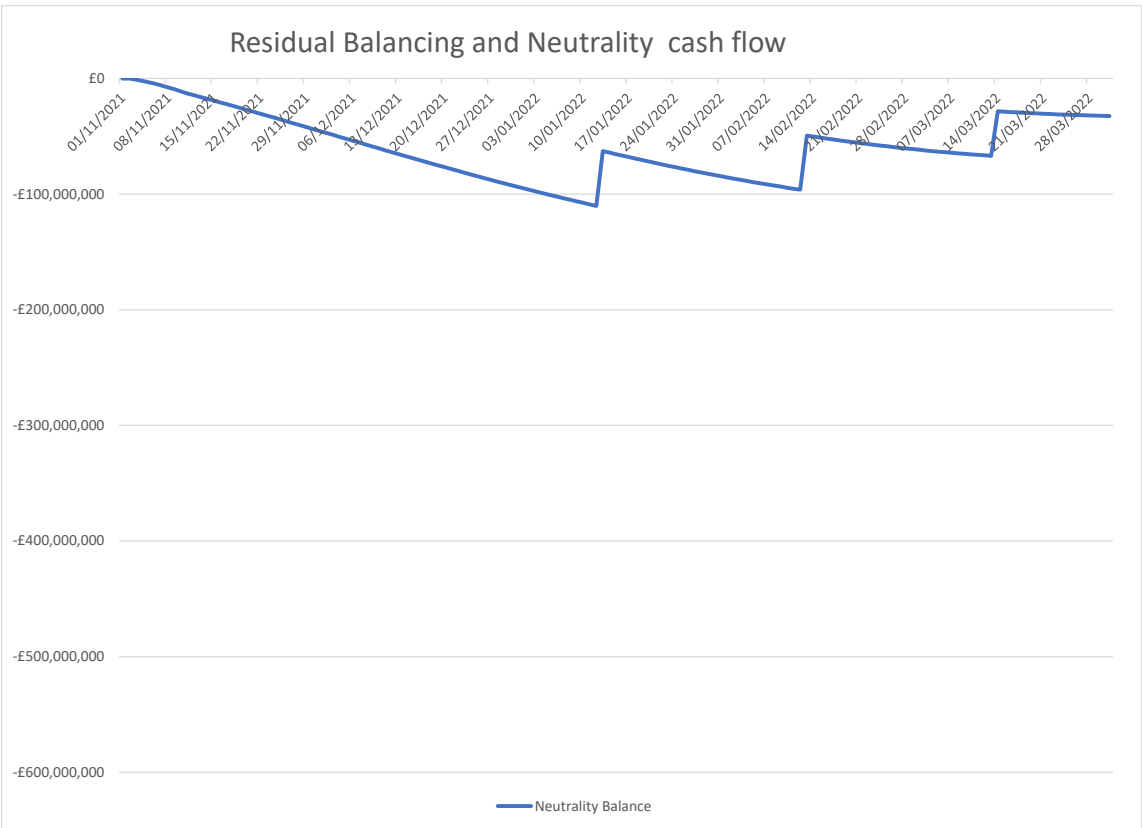
2) Assuming a steady migration of supply points to other shippers (peak neutrality exposure of ~£554m)



- 3) Assumes no migration of supply points but with 80% of the demand fulfilled by trades pursuant to Modification 0788, peak neutrality exposure of £166m



- 4) Assumes a steady migration of supply points to other shippers and with 80% of the demand fulfilled by trades pursuant to Modification 0788, peak neutrality exposure of £111m.



Effect of this Proposal

If the accelerated cost recovery timescale detailed in this Proposal were implemented, assuming that 90% of the volume requirement were secured via exchanges and 10% via 'over the counter' trades, National Grid NTS has calculated that the above maximum exposure would be reduced to the following:

Scenario 1: £557m

Scenario 2: £367m

Scenario 3: £131m

Scenario 4: £73m.

Updated Effect of this Proposal

Since the National Grid NTS workshops, we have become aware of the 'Special Administration Regime'⁸ which could be applied in respect of a portfolio of 2 million supply points rather than the 'Supplier of Last Resort' process. National Grid NTS has therefore re-run its analysis, assuming a portfolio of 800,000 Supply Points and an updated gas price of £2.25/therm, with the accelerated cost recovery proposals and with 90% of the volume requirement were secured via exchanges and 10% via 'over the counter' trades. The maximum exposure with these updated assumptions would be reduced further, as follows:

Scenario 1: £251m

Scenario 2: £110m

Scenario 3: £57m

Scenario 4: £22m.

If an 800,000 Supply Point portfolio were left to the residual balancer to procure without any mitigations (as in the original scenario 1) at a gas price of £2.25/therm then the peak neutrality exposure has been calculated to be £374m.

National Grid NTS would also expect that System Marginal Buy prices would be lower than would otherwise be the case if this Modification were not implemented and the residual balancer was required to procure the required volumes"

4 Code Specific Matters

Reference Documents

[UNC TPD D](#) – see D6 'Contingent Procurement of Supplier Demand'

[UNC Modification 0791](#)

[UNC TPD E](#) – see E10 'Virtual Last Resort User'

[UNC Modification 0788](#)

[UNC TPD G](#) – see G4.2 'Termination / Supplier of Last Resort'

[UNC TPD V](#) – see V4 'Discontinuing Users and Termination'

⁸ <https://www.gov.uk/government/publications/bulb-energy-limited-consent-to-apply-for-a-special-administration-regime>

Knowledge/Skills

Awareness of areas referred to in above Reference Documents would be beneficial.

5 Solution

It is proposed that National Grid may issue a UPTN to a User as a consequence of the application of sanctions by the UK government. Where National Grid proposes to issue such a notice, it shall issue a provisional version of this to the Authority affording it the opportunity to Disapprove (in each event, by the deadline mutually agreed between the Authority and National Grid) the issue of this notice (as provided for under Standard Special Condition A11(18) of the Transporter's Licence).

Where:

- the Authority does not respond to National Grid by the deadline, National Grid will issue the UPTN; and
- the Authority issues a determination to National Grid (Disapproving the issue of the UPTN) by the deadline, National Grid will not issue the UPTN.

Where the UPTN is to be issued, this will be notified to the relevant User. Where this notice has been given, National Grid will be entitled to inform such persons as it thinks fit (including another Transporter) that it has done so; and it shall inform the CDSP that it has done so.

It is proposed that in addition to the existing User Termination triggers for the application of VLRU and CPSP terms (as set out in TPD Section E10.1.1(a) and TPD Section D6.1.2(a) respectively), the availability of these two mechanisms is also triggered by the issue of a UPTN to the relevant User.

It is proposed that from the date from which the registrations of the relevant Supply Meter Points are discontinued (as set out in the UPTN), the relevant Supply Meter Points will be subject to the same provisions as Terminated Supply Meter Points and the remaining provisions of TPD Section E10.1.1 and TPD Section D6.1.2 shall apply accordingly.

In respect of the relevant Supply Points, it is proposed that:

- all the relevant Supply Meter Points (i.e. all those where the User subject to the UPTN is the Registered User) will be Terminated Supply Meter Points as per TPD Section G4.8.2
- in respect of CSS Supply Points, the User subject to the UPTN will cease to be the Registered User of any CSS Supply Points, consistent with TPD Section G5.1.3(c). Further, the CDSP will:
 - modify the Shipper-Supplier Association Data to remove the User subject to the UPTN, consistent with TPD Section G5.7.8/5.8.2(b); and
 - update the Shipper-Transporter Association Data to reflect a Registration Block Notice in relation to the User subject to the UPTN, consistent with TPD Section G5.8.3(a).
- at a Shared Supply Meter Point where a User subject to the UPTN is a Sharing Registered User, gas will be allocated among the remaining Sharing Registered Users and where necessary any allocation method amended so that each Sharing Registered User bears its share of what would have been allocated to the User subject to the UPTN;
- the User subject to the UPTN will no longer hold Supply Point Capacity at, or LDZ Capacity at, the relevant Supply Points; and

- where the relevant Supply Meter Point is a NTS Supply Meter Point, the NTS Exit Capacity (of the User subject to the UPTN) shall confer any rights in respect of the offtake of gas.

It is proposed that with effect from the date the UPTN takes effect (and for the duration that this notice is in effect), the CDSP will cease provision of services provided to that User under the Data Services Contract.

6 Impacts & Other Considerations

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

None.

Workgroup Participants did not raise any objection to this view.

Consumer Impacts

If this Modification is not implemented, the VLRU and CPSD mechanisms will remain unavailable in the identified scenario of National Grid issuing a UPTN. As a result, the costs of any consequential residual balancing actions will be socialised across all Shipper Users.

However, the proposed approach in this Modification would avoid additional gas procurement activity being undertaken by National Grid in its residual balancing role for the impacted Supply Meter Points, with such gas being provided by other shipper Users and/or procured via a wider range of tools and timescales. This is expected to result in lower system prices than would otherwise be the case, ultimately resulting in lower costs to be passed through to consumers.

Workgroup Participants did not raise any objection to this view.

What is the current consumer experience and what would the new consumer experience be?

Impact of the change on Consumer Benefit Areas:

Area	Identified impact
Improved safety and reliability	None
<p>Lower bills than would otherwise be the case</p> <p>This Modification is expected to enable National Grid to secure additional supplies of gas at a lower unit cost than would otherwise be the case if it were taking such action on the day in its residual balancer role via the OCM. This is expected to result in SAP and marginal prices on the day being lower than would otherwise be the case. Thus, such a reduction should be passed through to consumers and have lower cost impacts on the market.</p>	Positive
Reduced environmental damage	None
Improved quality of service	None

<p>Benefits for society as a whole</p> <p>By seeking to mitigate upward pressure on system prices when a Supplier is operating under a deed of undertaking, this Proposal is expected to lead to lower wholesale prices than would otherwise be the case and to reduce the risk of further financial challenges for market participants and thereby minimise disruption for consumers.</p>	<p>Positive</p>
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Workgroup Participants noted that the justifications stated here reflect those for the previously implemented Modification 0788⁹ *Minimising the market impacts of ‘Supplier Undertaking’ operation* and Modification 0791¹⁰ *Contingency Gas Procurement Arrangements when a Supplier acts under a Deed of Undertaking*.

Cross-Code Impacts

None. Registration of CSEP Supply Meter Points is managed by the CDSP under the terms of the UNC.

EU Code Impacts

None.

Central Systems Impacts

No systems changes are required to implement this Modification; however, new processes would be required within Transporters and the CDSP. These would be to issue the relevant notices to Suppliers in response to National Grid issue of a UPTN and utilise the processes (relating to the VLRU and CPSD mechanisms) currently applied in equivalent circumstances as a consequence of the issue of a Termination Notice.

Workgroup Assessment

Note that this proposal has been reviewed by both the Transmission Workgroup and the Distribution Workgroup.

Workgroup Participants did not raise any concerns relating to the statement made above in relation to consumer impacts or interactions with other codes.

Central Systems Impacts

In the December meeting the CDSP representative confirmed the outcome of their analysis that no need for systems changes is anticipated as a result of this Modification. The CDSP will be seeking to utilise existing processes and resources to manage any instance when the actions permitted by this Modification are enacted. No material costs are anticipated. The Proposer added that this is anticipated to only be used in very exceptional circumstances so the number of instances should be very few.

The CDSP representative pointed out that a DSC change proposal will be raised to establish the processes necessary to manage this modification if it is approved for implementation.

⁹ <https://www.gasgovernance.co.uk/0788>

¹⁰ <https://www.gasgovernance.co.uk/0791>

7 Relevant Objectives

Impact of the Modification on the Transporters' Relevant Objectives:

Relevant Objective	Identified impact
a) Efficient and economic operation of the pipe-line system.	Positive
b) Coordinated, efficient and economic operation of <ul style="list-style-type: none"> (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.	Positive
d) Securing of effective competition: <ul style="list-style-type: none"> (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.	None
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

The Modification furthers Relevant Objectives (a), (c) and (d), as follows:

a) Efficient and economic operation of the pipe-line system

The proposed changes in this Modification are expected to introduce a more efficient and economic means of securing delivery of additional supplies of gas to the Total System to meet the demand from the consumers in the event there are Supply Meter Points without a Registered User as a result of the issue of a UPTN and a Supplier that is acting in accordance with a deed of undertaking than would otherwise be the case under the status quo (i.e. via the residual balancing function). Minimising the risk of system prices not being reflective of supply/demand fundamentals is expected to result in more efficient system usage and hence operation.

c) Efficient discharge of licensee's obligations

The proposed changes in this Modification to enable other shipper Users to deliver additional gas to the system and/or enable National Grid to purchase NBP gas for this purpose through additional means to the OCM with a forward trading capability will better facilitate National Grid's obligation to perform its functions in an efficient, economic and co-ordinated manner.

d) Securing of effective competition between relevant Shippers;

By enabling other shipper Users to deliver additional gas to the system and/or enabling National Grid to transact for additional volumes to meet the demand of Supply Points (that are subject to a supplier's deed of undertaking)

in a ringfenced function, the proposed changes are expected to reduce the cost of such gas procurement compared with the status quo and result in lower system prices than would otherwise be the case, thereby mitigating the financial challenges being faced by market participants.

Workgroup Assessment

Referral to the Authority to Disapprove the issue of a UTPN notice to a User

Workgroup Participants discussed concerns regarding the process that National Grid may follow prior to issuing a UTPN notice. Workgroup Participants noted the modification has been amended so that the timetable for the Authority to Disapprove will be determined by mutual agreement between National Grid and the Authority. Workgroup Participants were content that this provides appropriate oversight.

A Workgroup Participant pointed out that the agreement of a timetable (between National Grid and the Authority) should bring a corresponding requirement that National Grid only act on a positive confirmation either way (Condition 11(18) Approval or a Condition 11(18) Disapproval).

Relevant Objectives

Workgroup Participant noted reservations with the process for the Authority to Disapprove the taking of the UTPN action and that this may therefore not support achievement of any of the Relevant Objectives.

There were no other concerns raised by Workgroup Participants in respect of the Relevant Objectives.

8 Implementation

Implementation is sought as soon as practicable given the current risk that a UPTN will need to be issued by National Grid which requires timebound and timely actions as consequence.

As set out above, actions required for implementation are limited to those associated with the processing of the UPTN and application in such an event of processes which have already been implemented as a consequence of the implementation of Modifications 0788 and 0791.

9 Legal Text

A draft form of Legal Text was provided by National Grid and reviewed at the 3 November Transmission meeting. Workgroup Participants noted that only minor changes would be required to finalise the text in line with the proposed solution.

Distribution Workgroup Participants reviewed the Legal Text on 24 November 2022 and had no adverse comments; no clarifications or challenges were brought up. Distribution Workgroup thanked the Proposer for bringing the Modification to the Workgroup for review.

A 1 December Transmission Workgroup Participant asked whether the drafting should outline the process to revoke the sanctions. The Proposer responded that the nature and scope of any potential withdrawal of any sanctions that are imposed are currently unknown and are likely to be bespoke. Therefore, if this did happen in the case of a previously sanctioned Shipper, National Grid would need to assess the implications from a UNC perspective and would initiate a further UNC change proposal if this was required.

Workgroup Participants were satisfied with this response.

Workgroup Assessment

The Workgroup has considered the Legal Text at its December 2022 meeting and is satisfied that it meets the intent of the Solution.

Text Commentary

The commentary is published alongside this report at: <https://www.gasgovernance.co.uk/0813>.

Text

The finalised text is published alongside this report at: <https://www.gasgovernance.co.uk/0813>.

10 Consultation

Panel invited representations from interested parties on 15 December 2022. All representations are encompassed within the Appended Representations section.

The following table provides a high-level summary of the single representation received in support of implementation.

Representations were received from the following parties:		
Organisation	Response	Relevant Objectives
National Grid NTS	Support	a) positive c) positive d) positive

Please note that late submitted representations will not be included or referred to in this Final Modification Report. However, all representations received in response to this consultation (including late submissions) are published in full alongside this Report and will be taken into account when the UNC Modification Panel makes its assessment and recommendation.

11 Panel Discussion

12 Recommendations

Panel Recommendation

Panel Members recommended that Modification 0813 **[should [not]** be implemented.

13 Appended Representation

Representation – National Grid NTS

Representation - Draft Modification Report UNC 0813

Revision of Virtual Last Resort User and Contingent Procurement of Supplier Demand Event Triggers

Responses invited by: **5pm on 17 January 2023**

To: enquiries@gasgovernance.co.uk

Please note submission of your representation confirms your consent for publication/circulation.

Representative:	Phil Lucas
Organisation:	National Grid NTS
Date of Representation:	16 January 2023
Support or oppose implementation?	Support
Relevant Objective:	<p>a) Positive</p> <p>c) Positive</p> <p>d) Positive</p>
Relevant Charging Methodology Objective:	Not Applicable

Reason for support/opposition: Please summarise (in one paragraph) the key reason(s)

As the proposer, National Grid NTS ('National Grid') supports the implementation of this Modification Proposal.

The Virtual Last Resort User ('VLRU') and Contingent Procurement of Supplier Demand ('CPSD') mechanisms were introduced to enhance the capabilities of suppliers (acting under a Deed of Undertaking (DoU)) and National Grid (respectively) to maintain an appropriate balance between supply and demand in the event that a User is subject to a Termination Notice.

The application (by the UK Government) of sanctions on a User does not constitute a 'User Default' event and therefore the User would remain a party to the UNC. However, given that a User subject to government sanctions would not be able to operate effectively in the market, there would be a consequential increased level of system imbalance risk as that User's ability to contract for delivery of gas to the Total System (to meet the demand of its consumers) would be compromised.

On this basis, we believe that extending the availability of the VLRU and CPSD mechanisms to instances where a User is subject to government sanctions (notwithstanding the fact that the relevant User is *not* subject to a Termination Notice) is

a proportionate and appropriately-targeted step to mitigate the increased imbalance risk this scenario presents to National Grid and other market participants.

We believe that implementation would better facilitate the identified relevant objectives compared to the existing baseline. i.e. if the VLRU and CPSD mechanisms were not available where a User is subject to sanctions, there is a risk that higher balancing costs will be incurred by all Users based on their system throughput as such costs will be recovered via Balancing Neutrality, potentially leading to higher system prices.

Implementation:

Implementation is sought as soon as practicable following the decision to implement the Proposal. As Self-Governance procedures are applicable, implementation could be sixteen business days after a Modification Panel decision to implement, subject to no Appeal being raised.

Impacts and Costs:

National Grid does not expect to incur any material additional costs as a consequence of the implementation of this Proposal.

Legal Text:

We are satisfied that the legal text delivers the intent of the solution identified in this Proposal.

Are there any errors or omissions in this Modification Report that you think should be taken into account?

We have not identified any such errors or omissions.

Please provide below any additional analysis or information to support your representation

Cessation of the relevant User's Supply Point Registrations via issue of a User Premises Termination Notice (UPTN) is required in order to trigger the enactment of the Supplier Deed of Undertaking which, under the existing rules, is one of the conditions of the Virtual Last Resort User (VLRU) and Contingent Procurement of Supplier Demand (CPSD) mechanisms becoming available.

If this Proposal is implemented and if a User is subject to a UPTN, we recognise this would have a material impact on that User. It is for this reason that we have proposed the inclusion of an appropriate check and balance that the Authority has the opportunity to Disapprove of National Grid's proposed issue of a UPTN. The Disapproval mechanism (i.e. ability to veto to the proposed action/change) is an established process which is provided for in GT Licence Condition 11(18), as reflected in the UNC General Terms. Whilst an 'Approval' process (requiring positive consent to a proposed action/change) is *also* provided for, the rationale for preferring the Disapproval process over the Approval process for the purposes of this Proposal is:

- **timeliness:** timeliness of a decision/action will be key given the potential materiality of the increased imbalance risk and therefore appropriate opportunity for Disapproval is our preferred approach such that timely action is not frustrated. An alternative requirement for the Authority to provide an Approval may require completion of additional governance steps by the Authority which may extend the timescale in which this action can be endorsed under this alternative approach; and
- **mutual agreement of Disapproval deadline:** under this Proposal, the time within which the Authority may issue disapproval is required to be mutually agreed between the Authority and National Grid and therefore we envisage that in practice the Authority would *not* agree to a Disapproval deadline that would afford it insufficient time to fully consider the matter. This mandated agreement of the deadline for Disapproval will therefore address the risk of a UPTN being issued in absence of agreement by the Authority.

On the basis of the above, we are comfortable that the proposed issue of a UPTN would have the appropriate regulatory oversight; and that such oversight would be actioned in a timely manner.