

## Stage 04: Final Modification Report

# 0513 (Urgent):

## UK Link Programme (Project Nexus) - independent project assurance for Users

At what stage is this document in the process?



This 'transitional' Modification Proposal identifies requirements for Shipper User co-operation and information provision in support of the introduction of an independent project assurance agency appointed by Ofgem to assess Shipper User readiness for the UK Link Programme. A report is due to be presented by the agency to Ofgem by 1<sup>st</sup> December 2014.



The Panel recommends implementation



High Impact: Users



Medium Impact: None identified



Low Impact: None identified

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## About this document:

This Final Modification Report was presented to the Panel on 05 September 2014.

The Authority will consider the Panel's recommendation and decide whether or not this change should be made.

	
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# 1 Summary

## Is this a Self-Governance Modification?

Ofgem agreed that urgent procedures should be followed, without self-governance.

## Why Change?

The scale of industry change associated with the UK-Link Programme and associated Modifications require certainty that all affected parties can demonstrate readiness to meet the Project Nexus Implementation Date. Some industry members, including the Authority, have confirmed this requirement exists and that an urgent assessment of Shipper User readiness is made to enable the industry to plan, design, build and implement a successful industry-wide change programme. An agency will be appointed by Ofgem for this purpose.

The Transporter's agency has already engaged Baringa Partners LLP to conduct project assurance on its own preparatory activities and state of readiness.

'Transitional' Modification of the UNC is required to mandate Shipper Users to cooperate with, and support, the production of an assessment by the agency in the period to December 2014.

## Solution

It is planned that an independent agency will be appointed by Ofgem to perform a project assurance role for the UK Link Programme (incorporating the Project Nexus modifications) to test for Shipper User readiness, with a report to be provided to the Authority no later than 1st December 2014. The identity of the appointed agency would be a matter for the Authority.

To enable the agency to undertake relevant scrutiny and analysis of Shipper User readiness it is essential that it is furnished with relevant information and data by Shipper Users. This might include statements and analysis concerning the state of IT systems and supporting processes and evidence of readiness. Provision of relevant information and statements to the agency would need to be provided on a prompt and timely basis and consequently it is vital that each Shipper User co-operates fully with the agency. Information so provided would be dealt with on a strictly confidential basis and shared only with Ofgem.

This will be achieved by the introduction of transitional terms to the UNC TPD.

## Relevant Objectives

Relevant objective f) Implementation and Administration of the Code

The UK Link Programme will incorporate the industry requirements defined within the Project Nexus related UNC Modifications 0432, 0434 and 0440 (if implemented). Certainty over Shipper User readiness is essential to ensure effective and timely implementation.

## Implementation

This Modification Proposal is required to be implemented by 12th September 2014 to enable the appointed agency to have sufficient time to complete their assignment and submit a report to the Authority by 1st December 2014.

A cost estimate for this Modification Proposal is not presently available; however, the value is expected to be below the OJEU threshold for single source tendering, being £172,514.

## Does this modification affect the Nexus delivery, if so, how?

This modification does not directly affect Project Nexus delivery. However it will inform subsequent actions in support of timely delivery of the supporting systems solutions in time for implementation on 1st October 2015.

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## 2 Why Change?

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The Transporter's agency has already engaged Baringa Partners LLP to conduct project assurance on its own preparatory activities and state of readiness.

'Transitional' Modification of the UNC is required to mandate Shipper Users to cooperate with, and support, the production of an assessment by the agency in the period to December 2014.

## 3 Solution

Modification of the UNC involving the introduction of transitional terms in respect of TPD Section U is required as follows:

1. Shipper Users to be mandated in the period to 1<sup>st</sup> December 2014 to co-operate with the agency appointed by Ofgem to validate their readiness for implementation of the UK-Link programme underpinning Project Nexus on 1<sup>st</sup> October 2015.
  - a. This is required for the agency to produce a Shipper User readiness report by 1<sup>st</sup> December 2014
2. The assignment report provided by the agency to the Authority will contain information provided directly by the Shipper User and will be on a non-anonymised basis.
  - a. The agency will also be required to provide a redacted version of the assignment report. This report will be prepared so that all references to a Shipper User by name will be removed and any data that may result in the identity of any Shipper User being ascertained shall also be removed. This report will be provided to the Authority who, having approved such report shall provide this to the Transporters for publication by the Joint Office of Gas Transporters.
3. For Shipper Users to use best endeavours to provide any data or relevant information as may be reasonably required by the appointed agency to undertake its activities (noting that such data is provided on a wholly confidential basis).
  - a. The agency will hold all data and information provided to it by each Shipper User in confidence and will destroy all data and information received from each Shipper User within three months of the provision of the assignment report to the Authority.
4. To provide for funding of the agency's activities under User Pays arrangements.
5. The Gas Transporters and their Agency Xoserve (other than responding to any reasonable requests for information from the appointed agency) shall have no involvement in the appointment of the agency, or the work undertaken by the agency in the production of the assignment report.

Note: It is possible that further assessment work will be required in 2015 but any UNC related requirements for this are out of scope for the purposes of this Modification Proposal

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## User Pays

Classification of the modification as User Pays, or not, and the justification for such classification.

The assignment is for the benefit of Shipper Users. An assignment service is facilitated by the implementation of this Modification Proposal and it is therefore classified as a User Pays Modification.

Identification of Users of the service, the proposed split of the recovery between Gas Transporters and Users for User Pays costs and the justification for such view.

100% of costs recovered from Shipper Users. The charges to Shipper Users are to be recovered from each Shipper User based upon the number of Supply Points in each Shipper User's ownership as a proportion of the total number of Supply Points in all Shipper User's ownership as measured on the date of the implementation of the Modification, excluding 'unique sites'.

Proposed charge(s) for application of User Pays charges to Shippers.

A cost estimate for this Modification Proposal is not presently available; however, the value is expected to be below the OJEU threshold for single source tendering, being £172,514.

Proposed charge for inclusion in the Agency Charging Statement (ACS) – to be completed upon receipt of a cost estimate from Xoserve.

TBC.

## 4 Relevant Objectives

Impact of the modification on the <b>Relevant Objectives</b> :	
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.	None
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

### Relevant objective f) Implementation and Administration of the Code

The UK Link Programme will incorporate the industry requirements defined within the Project Nexus related UNC Modifications 0432, 0434 and 0440 (if implemented). Certainty over User readiness is essential to ensure effective and timely implementation.

## 5 Implementation

This modification is required to be implemented by 12th September 2014 to enable the appointed agency to have sufficient time to complete their assignment and submit a report to the Authority by 1st December 2014.

A cost estimate for this Modification Proposal is not presently available; however, the value is expected to be below the OJEU threshold for single source tendering, being £172,514.

## 6 Legal Text

### Text

New paragraph 9 to Section U of the TPD

### 9 MONITORING OF THE IMPLEMENTATION OF THE UK-LINK PROGRAMME

#### 9.1 Introduction

9.1.1 This paragraph 9 sets out requirements applicable to Shipper Users in relation to the monitoring of the implementation of the UK-Link Programme by the Project Nexus Implementation Date.

#### 9.2 User Obligations

9.2.1 Each Shipper User shall:

(a) use best endeavours to provide any data or relevant information reasonably requested by the Relevant Agency; and

(b) otherwise reasonably co-operate with the Relevant Agency,

in order for the Relevant Agency to prepare a report on the implementation of the UK-Link Programme to be submitted by the Relevant Agency to the Authority by 1 December 2014.

#### 9.3 User Pays Charge

9.3.1 Each Shipper User will pay (in accordance with Section S) to the Transporter a User Pays Charge in respect of such User Pays Service.

#### **Definitions:**

“**Relevant Agency**” is the agency which may be appointed by the Authority to monitor the implementation of the UK-Link Programme, as may be notified by the Authority to the Shipper Users.

“**UK-Link Programme**” is [#]. **Note: use of term to be considered in context of transitional rules for Modifications 0432, 0434 and 0440 once developed.**

### Transitional Text

New Paragraph 1.11 to the Transition Document Part IIC – Transitional Rules

#### 1.11 TPD Section U: Monitoring of the Implementation of the UK-Link Programme

1.11.1 TPD Section U, paragraph 9 shall not apply after 1 December 2014.

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## 7 Consultation Responses

Of the 14 representations received 5 supported implementation, 4 offered qualified support, 2 provided comments and 3 were not in support.

Representations were received from the following parties:

Organisation	Response	Relevant Objectives	Key Points
British Gas	Oppose	f) - negative	<ul style="list-style-type: none"> <li>• Strong concerns voiced that the proposed readiness report will be taken as an opportunity to negatively impact Project Nexus implementation rather than support it.</li> <li>• It is felt the proposed User Pays funding is not appropriate as Users are already paying for the delivery of Project Nexus.</li> <li>• Considers an RFI from Ofgem would be a more direct and appropriate approach to assessing Shippers' ability to comply with the October 2015 implementation date.</li> <li>• Questions as to how the assignment report produced by an independent agent will be structured or how the report will be utilised once published.</li> <li>• Appropriate and transparent arrangements are needed to prevent any potential cross-pollination of information/data to Xoserve and their own readiness assurance activities.</li> <li>• The intent and audience for the report proposed by this modification should be clarified, with the process for using any output report clearly defined, particularly if the intent is for it to be used to make decisions about Programme delivery.</li> </ul>
DONG Energy	Qualified Support	f) - positive	<ul style="list-style-type: none"> <li>• Due to the magnitude of change it is felt that the scope of the modification should be widened to include Xoserve and iGTs to provide an assessment of industry readiness.</li> <li>• Should not be funded by Shippers via User Pays but should be included in the revenue provided for the delivery of the UK Link Replacement Programme.</li> <li>• As Ofgem already have the powers to request this information from parties, it is not believed that the UNC is an appropriate mechanism to deliver the report.</li> </ul>

EDF Energy	Comments	f) - negative	<ul style="list-style-type: none"> <li>• It is noted that the obligation to be prepared for the Project Nexus implementation date is embedded within all Gas Shipper Licences.</li> <li>• As Ofgem already has the power to request this data from Shipper Users via an Ofgem appointed agency, it is therefore difficult to understand why Modification 0513 has been raised.</li> <li>• Concerns voiced that the timescales for all affected Shipper Users to review Modification 0513 and to effectively engage with an independent agency to produce a Shipper readiness report are very short and appear to have been determined solely by the Gas Transporters.</li> <li>• Concerned that Shippers' are heavily reliant on the Gas Transporter's agency to produce detailed specifications on all industry-wide agreed Project Nexus system design changes, it is noted that Modification 0513 provides no detail as to whether these key interactions will be reviewed and/or documented.</li> <li>• Concerns raised around the limited explanation as to why an urgent assessment is needed and why further funding is required and the fact that no cost estimates have been provided by the proposer.</li> <li>• Project Nexus driven Shipper User internal systems changes rely on both certainty of the regulatory framework as well as certainty and effective industry engagement of Gas Transporter's agency programme, therefore it is important that these key factors are considered in all project assurance work carried out by independent agencies.</li> </ul>
Gazprom	Qualified Support	f) - positive	<ul style="list-style-type: none"> <li>• Questions the approach on the grounds that Ofgem have existing powers to request information from industry parties. In particular, that the scope of the Project Assurance task specifically excludes Xoserve's own readiness and introduces additional charges to Shipper Users in addition to that already provided to deliver the UKLink programme.</li> <li>• Concerned over the very short notice provided to review and comment on the proposed modification.</li> <li>• The Independent Project Assurance Report on industry readiness should be produced by no later than the end of 2014.</li> </ul>

National Grid Distribution	Support	f) - positive	<ul style="list-style-type: none"> <li>• It is essential that Shipper Users are required to co-operate with an agency appointed by Ofgem to validate Shipper User readiness for Nexus implementation.</li> <li>• If this modification were not implemented, it would not necessarily frustrate the ability of Ofgem to appoint an agency. However, it is considered that there could be a significant risk that the appointed agency may not obtain the degree of support and co-operation from Shipper Users. This in turn increases the risk profile and may mean that the Project Nexus Implementation Date may not be met.</li> <li>• The purpose of the agency's activities is to validate the readiness of Shipper Users and not those of the Transporter or Xoserve and consequently User Pays arrangements are appropriate.</li> </ul>
National Grid NTS	Support	f) - positive	<ul style="list-style-type: none"> <li>• Given the scale of the changes associated with Project Nexus, it is prudent to undertake a project assurance exercise to establish the industry's "readiness" for the impending changes.</li> <li>• Any assessment should be completed independently from Shipper Users and Transporters in order to demonstrate objectivity in both the assessment and the subsequent report provided to the Authority.</li> </ul>
Northern Gas Networks	Support	f) - positive	<ul style="list-style-type: none"> <li>• Notes that the UK Link Programme and associated regime changes will need assurance that all Shipper Users are ready for the large scale changes associated with it.</li> <li>• It is also recognised that the assurance analysis proposed is consistent with that being undertaken within Xoserve and will enable Shipper Users to provide confidential information to the Authority that they may not wish to share with other Users through existing industry processes.</li> </ul>
RWE npower	Support	d) - positive f) - positive	<ul style="list-style-type: none"> <li>• May need a wider remit for the independent expert to show the impact of Nexus on a Shipper's ability to deliver broader converging industry changes such as the DCC go-live.</li> <li>• Concerns voiced that publication of a redacted report may drive incorrect behaviour from Shippers who believe a delay is likely to be caused by another Shipper.</li> <li>• Concerned that an assessment of the ability of the Transporter's agent to deliver the project and the project milestones in a timely manner is not included.</li> <li>• The modification does not detail any action to be taken if a Shipper is found not to be sufficiently prepared for Nexus, which further highlights the current lack of contingency arrangements or fall back plan in the programme.</li> <li>• It is noted that significant time and resources would be required to provide any data and information requested.</li> </ul>

ScottishPower	Qualified Support	f) - negative	<ul style="list-style-type: none"> <li>• Concerned about the confidentiality of the information to be provided to the agency, given that it is proposed that it will be provided to Ofgem in non-anonymised form and could be subject to a request under the Freedom of Information Act.</li> <li>• Concerned that an assumption has been made that when Xoserve finalise the 'detailed design' phase, that Industry parties will be in a position to move forward on planning their own internal build.</li> <li>• Concerned that as the finalised version of the file formats, which will underpin the new regime for parties are not scheduled to be available in their initial format until the 30/09/14 and if their approval is delayed, a consequence may mean that it is unachievable to provide a meaningful report within the timeframe of the 01 December.</li> <li>• There is also a forward looking risk that is not addressed in this modification in that there is no assurance that that all parties will build and deliver their solutions (IT and processes) to meet the business rules as interpreted via the legal text.</li> <li>• A lack of detail in the modification as to how parties will be required to demonstrate readiness other than a vague reference remains a concern.</li> <li>• Concern that parties may utilise this assurance process to suggest a lack of readiness to support the case for a delay in the current implementation date.</li> <li>• Concerns raised around the fact that it is only suggested that this piece of work be carried out at a single point in time, early in the process. Having only one check point in the process may end up proving to be misleading.</li> <li>• Is concerned by the use of a modification for tackling an issue that is not amending the Code and is being used to address funding of an activity that the industry wishes Ofgem to undertake.</li> </ul>
Scotland & Southern Gas Networks	Support	f) - positive	<ul style="list-style-type: none"> <li>• Support for the User Pays charges (as proposed) as it is felt that this review is looking purely at shipper user readiness requirements.</li> <li>• Support for the proposed implementation timescales.</li> </ul>

SSE	Oppose	f) - negative	<ul style="list-style-type: none"> <li>• Variations made during the consultation period of this urgent modification are unacceptable and have made the assessment of the modification extremely challenging.</li> <li>• The UK Link Programme is an industry-wide project that does not just affect Shippers and so any measure of readiness must include all parties including Transporters. To date, the industry has had no visibility on the Xoserve state of readiness.</li> <li>• Shippers can only move as fast as information comes out of Xoserve. Only a relatively small number of data flows have been released to date and the quality of these will take some time to analyse.</li> <li>• It is felt that the iGTs have not been fully engaged in the Programme to date and as a consequence may not be read and that they should be included in the review.</li> <li>• It is believed that Project Assurance should not be a one-off exercise, and there should be industry wide monitoring of all parties up to the go live date.</li> <li>• The successful delivery of the UK Link Programme is dependent on all parties not just Shippers. As such the costs of Project Assurance should cover and be paid for by all parties, or, as the activity is critical to delivery of the UK Link Programme, be covered by the allowed revenue for the Programme.</li> <li>• It is felt that Project Assurance could be undertaken without the need for a UNC modification.</li> <li>• The use of “Best Endeavours” is not appropriate or justified in clause 9.2.1. Such a requirement on Shippers would require the provision of information regardless of commercial cost considerations and given that clause 9.2.1 makes no restriction on the information that the “Relevant Agency” may request this could result in significant costs to Shippers</li> </ul>
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TD Energy	Oppose	f) - negative	<ul style="list-style-type: none"> <li>• In acknowledging that when urgent procedures are followed, the absence of an assessment process means that particular care should be taken to ensure that the case for change is clearly made; and the legal text fully reflects the modification that has been proposed, it is noted that unfortunately as neither of these appear to be the case, the modification should not be implemented.</li> <li>• It is asserted that “Certainty over User readiness is essential to ensure effective and timely implementation” of the UK Link Programme, but the modification does not explain why this is essential; how implementation would deliver this essential certainty; nor how any certainty over readiness that implementation of the modification may deliver would consequently facilitate efficient administration and implementation of the Code.</li> <li>• The proposed modification (as set out in the legal text) provides for Shipper Users to provide data to and cooperate with an agency that may be appointed by the Authority in order to provide a report by 01 December 2014. There is no requirement for a report to be produced nor for Shipper users to be ready for implementation of the UK Link Programme, especially subsequent to 01 December 2014 - which is when, it may be argued, they need to be fully prepared.</li> <li>• Another area of concern relating to the legal text, suggests that if completion of the legal text is to await development of transitional rules for Modifications 0432, 0434 and 0440, that would appear to preclude implementation in the timescale suggested for Modification 0513.</li> </ul>
Total Gas & Power	Qualified Support	d) - positive f) - positive	<ul style="list-style-type: none"> <li>• Considers the project assurance function should also be extended to include Xoserve readiness.</li> <li>• This modification should not be funded through User Pays, but should be funded by the allowed revenue for UK link and Nexus, as Project Assurance regarding industry readiness and associated risks should be a function of such a large programme of cross industry change.</li> <li>• It is felt that it is inappropriate for a UNC modification to put forward commercial entities to carry out any work associated with the modification.</li> <li>• It is felt that a finalised (independent) report must be produced by December 2014.</li> </ul>

Wales & West Utilities	Comments	d) - positive	<ul style="list-style-type: none"> <li>• This modification seeks to secure shipper co-operation, however it cannot secure iGT co-operation, and as a consequence, it would be useful to understand how iGT co-operation will be achieved.</li> <li>• Some shippers may already have appropriate project assurance in place, they may therefore be paying again under User Pays for a report that duplicates what is already in place.</li> <li>• It is noted that there is no limit on the cost of the report, which will be procured by a non-code party.</li> <li>• In recognising that the report may provide assurance of Shipper readiness for Nexus go live, concerns remain about the appropriateness of using a UNC modification to deliver the report.</li> </ul>
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Representations and a separate summary document containing comments / views received relating to the Variation Request are published alongside the Final Modification Report.

## 8 Panel Discussions

The Panel Chair summarised that Modification 0513 is seeking to introduce a requirement for Shipper Users to co-operate with, and provide information to, an independent project assurance agency appointed by Ofgem to assess and report on Shipper User readiness for the UK Link Programme. It includes a deadline of the delivery of an Independent Assurance Report to Ofgem by 01 December 2014. In considering the representations, the Panel Chair encouraged members to focus on the intent of this modification and not to be distracted by what might happen once the report was produced, as this would be the subject of further consideration at a later date.

In considering the representations submitted during the consultation period, Panel Members considered that the key issues raised by respondents were:

1. That an accurate assessment of shipper readiness was generally believed to be appropriate. Some members agreed with concerns raised that this might drive undesirable behaviours in parties using others' state of readiness to promote commercial arguments.
2. Whether, or not, a User Pays funding mechanism is appropriate, with some members preferring the initiative to be funded through the existing Project Nexus arrangements.
3. That a UNC modification to address the matter is inappropriate, on the grounds that the modification is tackling an issue that is not directly related to Code. Some members agreed with respondents that other options exist, such as Ofgem raising a Request for Information or using existing powers to request the information.
4. The scope of the task being limited to a one-off exercise was not appropriate. Some members agreed with respondents that project assurance forms an essential input to any go/no-go decision and should be continued right through to implementation.
5. Exclusion of Xoserve and iGTs from the scope was a common issue amongst respondents. Members noted the letter from Nick Salter of Xoserve to Rob Church at Ofgem, dated 04 September 2014, and felt that this went a long way to allay these concerns. Some members felt that it would be worthwhile producing a consolidated view of overall industry readiness.
6. The timescales for considering the impact of this modification were commonly felt to be too tight by respondents. Members felt this was inevitable within an Urgent

Modification process, but noted that the Modification Rules directed, should Ofgem subsequently approve Modification 0513, that the next Panel meeting shall reconsider the subject matter including, if necessary, referring it to a workgroup for further assessment.

7. The presentation of a Variation Request during the already-tight urgent timescale was believed by many to be inappropriate. Members noted that this had been triggered by an early representation which identified concerns that the proposer felt were best addressed now to better inform the Ofgem decision. Members also noted that many respondents had commented on the Variation Request and that these would be considered outside of this modification to further inform Ofgem's decision on this modification.

Members concluded that implementation of the modification would better facilitate Relevant Objective f) – Promotion of efficiency in the implementation and administration of the Code because Shipper Users could not comply with their Code obligations unless they were ready to implement the UK-Link programme changes. Members also noted that three respondents indicated that this modification would better facilitate Relevant Objective d) – Securing of effective competition (i) between relevant shippers, since change of supplier processes wouldn't operate fully if all users were not live. Some members agreed with these views, but felt that this was secondary to objective f). Some members believed that none of the relevant objectives would be better facilitated by this modification.

Members then voted and, with 8 votes cast in favour, determined to recommend implementation of Modification 0513.

## 9 Recommendation

### Panel Recommendation

Having considered the Modification Report, the Panel recommends:

- that proposed Modification 0513 should be made.