

## UNC Modification 0615S: Representation on DSC Committees – amendment to include mid-year appointments

Set out below is a list of queries arising from the proposed solution for UNC modification 0615s (as contained in version 2 of the proposal document dated 24 April 2017 (the “0615s Proposal”)).

All references to paragraph numbers are to Annex D-2, unless specifically stated otherwise.

	Relevant section of 0615S Proposal	Further queries for consideration
1.	Section 5 generally	Does this modification generally just relate to Shipper Users? Or Shipper Users and IGT Users as set out below?
2.	Section 5 – “Who can instigate a change of Representative?”	Is the proposal intended to permit mid-year appointments in the following situations: <ul style="list-style-type: none"> <li>paragraph 2.2.8(a) (where there were no Shipper User Representatives who wished to be appointed in the previous election cycle);</li> <li>paragraph 3.3.2(b) (where there were no IGT Representatives who wished to be appointed in the previous election cycle);</li> <li>paragraph 2.2.8(b) (where only 1 Shipper User Representative was appointed and holds 2 votes);</li> <li>paragraph 3.3.2(a) (where only 1 IGT Representative was appointed and holds 2 votes);</li> <li>mid-year retirement of an existing Committee Representative (for Shipper Representatives); and</li> <li>where a Shipper Representative otherwise needs to step down from being a Committee Representative mid-year (e.g. as per paragraph 5.3)</li> </ul>
3.	Section 5 – “Who can instigate a change of Representative?” and “What process should be followed?”	Do all Committee Representatives have a standing alternate?  If not, what happens if a Committee Representative cannot attend meetings for a short period of time (e.g. due to illness) or in the immediate aftermath of giving notice or retiring within year before a formal replacement is appointed?
4.	Section 5 – “When can a Within Year change be introduced to the DCS Committee?”	In terms of timing, how does the 3 month rule operate?  Does a within year candidate have to be appointed 3 full calendar months before the start of the next election cycle? Or do they just have to request a change of Representative by this date?
5.	Section 5 – “What process should be followed?”	Does the proposer nominating the mid-year candidate have to be from the same class the candidate will represent? Does the seconder have to be from the same class? Is the nomination by joint notification by the proposer and seconder to the Joint Office? Is evidence of the candidate’s willingness to act required?
6.	Section 5 – “What process should be followed?”	What is the next step where an individual has applied for a vacancy part way through the Appointment Year where the vacancy is due to insufficient elected representatives (including where a class of party has had its votes transferred to another class) in the previous election cycle?  Should the Joint Office appoint the candidate with immediate effect? Should other members of the class be provided with the opportunity to

		re-consider whether they would like to fulfil the vacancy in light of the new application? Is the process set out in the 0615s proposal in relation to notifying the SPOC etc, intended to apply where there is a vacancy (e.g. due to insufficient elected representatives in the previous election cycle) in addition to where there has been a retirement?
7.	Section 5 – “What process should be followed?”	What is the impact of a mid-year appointment upon existing Committee Representatives? For example, an existing Committee Representative appointed under 2.2.9 (in the absence of any candidates for a particular shipper class in the previous election cycle) may have to retire if someone is appointed mid-year to fulfil this “vacancy”. There may also need to be amendments to the voting rights of existing Committee Representatives (for example, votes may need to be reduced from 2 to 1 where 2 votes had originally been allocated in accordance with paragraph 2.2.8(b)).
8.	Section 5 – “What process should be followed?”	What first step should someone take who wishes to fulfil a vacancy resulting from retirement (or potentially from an existing Committee Representative giving notice or otherwise vacating their position)? Should they also send a request to the Joint Office? Does that request need to come from a nominating proposer and seconder?
9.	Section 5 – “What process should be followed?”	What information needs to be included in the Joint Office's notice to Shippers in the relevant Class following receipt of a mid-year nomination? e.g.: name of nominated candidate; number of vacancies, i.e. one of two; where vacancy represented by the representative of another Class, the name of the current representative; invitation to Shippers in the relevant Class to nominate an alternate candidate; identify a cut-off date (after the minimum 15 days' notice) for submission of nominations to the Joint Office for alternative candidates?
10.	Section 5 – “What process should be followed?”	What happens following the cut-off date: <ul style="list-style-type: none"> <li>• if the number of nominated candidates equals the number of vacancies, when does the mid-year appointment take effect; the cut- off date?</li> <li>• if there are more candidates than vacancies, what is the timeline for the voting process, and when does the mid-year appointment take effect; the date the Joint Office issues a notice confirming the voting result?</li> <li>• the Joint Office notifies the representative who is being 'substituted' and the date on which the substitution/new appointment takes effect?</li> <li>• the Joint Office notifies the candidate of appointment and the date from which the appointment is effective?</li> </ul>
11.	Section 5 – “What process should be followed?”	Should the process for mid-year appointments be the same where: <ul style="list-style-type: none"> <li>• there are vacancies due to insufficient elected representatives having been appointed in the previous election cycle;</li> <li>• where a class of votes was transferred to another Class during the previous election cycle; and</li> <li>• where there are vacancies due to retirement?</li> </ul>
12.	Section 5 – “What process should be followed?”	In the case of a retirement, paragraph 7.1 sets out the process to be followed for each type of representative. Is the proposal that, in the case of the retirement of a Shipper Representative, the Joint Office should have discretion as to whether or not to run the appointment process under paragraph 2.2 depending on the time of year?
13.	Section 5 – “What process should be followed?”	In the case of retirement of an NTS/DNO/IGT representative, and in the absence of a standing alternate, would the existing process under

	followed?"	paragraph 7.1 apply irrespective of the time in the year of the retirement, so the relevant transporter would simply appoint a replacement by notice to the Joint Office?
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