














UNC Request Workgroup Report		At what stage is this document in the process?
<div>UNC 0676R:</div> <div>Review of Gas Transporter Joint Office Arrangements</div>		<div><div>01Request</div><div>02Workgroup Report</div><div>03Final Modification Report</div></div>
<div>Purpose of Request:</div> <div>To request a review of the Uniform Network Code (UNC) General, Modification Rules and Joint Gas Transporter Governance arrangements for the Joint Office of Gas Transporters</div>		
	The Workgroup recommends that the Panel consider this report.	
	High Impact: Transporters	
	Medium Impact: Shippers	
	Low Impact: None	

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Timetable		
This report will be presented to the Panel on 21 March 2019.		Contact: Joint Office of Gas Transporters
The Workgroup recommends that the Panel consider this report.		 enquiries@gasgovernance.co.uk
		 0121 288 2107
		Proposer: Steve Mulliganie Gazprom
		 steve.mulliganie@gazprom-energy.com
		 0799 097 2568
		Transporter: SGN
		 hilary.chapman@sgn.co.uk
		 07749 983418
		Systems Provider: Xoserve
		 UKLink@xoserve.com

1 Request Summary

Why is the Request being made?

The current Joint Gas Transporter arrangements for the Joint Office of Gas Transporters (Joint Office) have been in place for some time and considering the recent fundamental market changes including but not limited to: -

1. The review of the Central Data Service Provider (Xoserve) Funding Governance & Ownership (FGO)
2. Smart and Advanced meter rollouts
3. Project Nexus
4. Faster and More Reliable Switching
5. Retail Energy Code (REC)
6. Supplier Hub

It would seem prudent to review the current Joint Office arrangements to ensure they remain fit for purpose.

The Joint Office which has been operating for a number of years and during that time the market has fundamentally changed, the Proposer believes it is prudent to undertake a review of the current arrangements to ensure they continue to be fit for purpose in this changing market.

If a review is not undertaken then the Joint Office may not be best placed to meet the requirements of all its customers.

Scope

The Scope of the review should include but not be limited to:

1. Joint Gas Transporter Arrangements for the Joint Office;
2. UNC Modification Rules;
3. Wider UNC should the review warrant further consideration;
3. Data Services Contract (DSC) Arrangements.

Resourcing

Undertaking a detailed review of the arrangements may necessitate the engagement of external independent support perhaps akin to the approach taken with the Funding, Governance & Oversight (FGO) review of Xoserve.

Impacts & Costs

Review of Transporter and wider industry funding models for governance arrangements.

Recommendations

Panel is requested to put in place a review of the current arrangements to ensure they continue to remain fit for purpose during the ongoing period of significant industry change.

2 Impacts and Costs

Consideration of Wider Industry Impacts

The Request might have an impact on the developments being considered for the Retail Energy Code (REC).

This Request should consider any potential Cross Code impacts and in particular, Independent Gas Transporter (IGT) UNC governance.

Whilst being undertaken at a more strategic level it should be mindful of the joint BEIS/Ofgem Industry Code review.

Impacts

Impact on Central Systems and Process	
Central System/Process	Potential impact
UK Link	<ul style="list-style-type: none"> None identified
Operational Processes	<ul style="list-style-type: none"> None identified

Impact on Users	
Area of Users' business	Potential impact
Administrative and operational	<ul style="list-style-type: none"> Improved arrangements will deliver both Administrative and operational benefits to Users
Development, capital and operating costs	<ul style="list-style-type: none"> Marginal - there might be an impact should the funding and resourcing model change.
Contractual risks	<ul style="list-style-type: none"> None identified
Legislative, regulatory and contractual obligations and relationships	<ul style="list-style-type: none"> Improved arrangements will deliver both Administrative and operational benefits to Users

Impact on Transporters	
Area of Transporters' business	Potential impact
System operation	<ul style="list-style-type: none"> None identified.
Development, capital and operating costs	<ul style="list-style-type: none"> Marginal - there might be an impact should the funding and resourcing model change.
Recovery of costs	<ul style="list-style-type: none"> Marginal - there might be an impact should the funding and resourcing model change.
Price regulation	<ul style="list-style-type: none"> None identified.
Contractual risks	<ul style="list-style-type: none"> Marginal - there might be an impact should the funding and resourcing model change.
Legislative, regulatory and contractual obligations and relationships	<ul style="list-style-type: none"> Marginal - there might be an impact should the funding and resourcing model change.

Impact on Transporters	
Standards of service	<ul style="list-style-type: none"> None identified.

Impact on Code Administration	
Area of Code Administration	Potential impact
Modification Rules	<ul style="list-style-type: none"> Material impact
UNC Committees	<ul style="list-style-type: none"> Minor impact
General administration	<ul style="list-style-type: none"> Material impact
DSC Committees	<ul style="list-style-type: none"> Minor impact

Impact on Code	
Code section	Potential impact
	<ul style="list-style-type: none"> To be considered.

Impact on UNC Related Documents and Other Referenced Documents	
Related Document	Potential impact
Network Entry Agreement (TPD I1.3)	<ul style="list-style-type: none"> None identified.
General	Potential Impact
Legal Text Guidance Document	<ul style="list-style-type: none"> Potential Impact.
UNC Modification Proposals – Guidance for Proposers	<ul style="list-style-type: none"> Minor impact.
Self Governance Guidance	<ul style="list-style-type: none"> Minor impact.
TPD	Potential Impact
Network Code Operations Reporting Manual (TPD V12)	<ul style="list-style-type: none"> None identified.
UNC Data Dictionary	<ul style="list-style-type: none"> None identified.
AQ Validation Rules (TPD V12)	<ul style="list-style-type: none"> None identified.
AUGE Framework Document	<ul style="list-style-type: none"> None identified.
Customer Settlement Error Claims Process	<ul style="list-style-type: none"> None identified.
Demand Estimation Methodology	<ul style="list-style-type: none"> None identified.
Energy Balancing Credit Rules (TPD X2.1)	<ul style="list-style-type: none"> None identified.
Energy Settlement Performance Assurance	<ul style="list-style-type: none"> None identified.

Impact on UNC Related Documents and Other Referenced Documents	
Regime	
Guidelines to optimise the use of AQ amendment system capacity	<ul style="list-style-type: none"> None identified.
Guidelines for Sub-Deduct Arrangements (Prime and Sub-deduct Meter Points)	<ul style="list-style-type: none"> None identified.
LDZ Shrinkage Adjustment Methodology	<ul style="list-style-type: none"> None identified.
Performance Assurance Report Register	<ul style="list-style-type: none"> None identified.
Shares Supply Meter Points Guide and Procedures	<ul style="list-style-type: none"> None identified.
Shipper Communications in Incidents of CO Poisoning, Gas Fire/Explosions and Local Gas Supply Emergency	<ul style="list-style-type: none"> None identified.
Standards of Service Query Management Operational Guidelines	<ul style="list-style-type: none"> None identified.
Network Code Validation Rules	<ul style="list-style-type: none"> None identified.
	<ul style="list-style-type: none">
OAD	Potential Impact
Measurement Error Notification Guidelines (TPD V12)	<ul style="list-style-type: none"> None identified.
	<ul style="list-style-type: none">
EID	Potential Impact
Moffat Designated Arrangements	<ul style="list-style-type: none"> None identified.
	<ul style="list-style-type: none">
IGTAD	Potential Impact
	<ul style="list-style-type: none"> To be considered.
DSC / CDSP	Potential Impact
Change Management Procedures	<ul style="list-style-type: none"> To be considered.
Contract Management Procedures	<ul style="list-style-type: none"> To be considered.
Credit Policy	<ul style="list-style-type: none"> To be considered.
Credit Rules	<ul style="list-style-type: none"> To be considered.
UK Link Manual	<ul style="list-style-type: none"> To be considered.

Impact on Core Industry Documents and other documents	
Document	Potential impact
Safety Case or other document under Gas Safety (Management) Regulations	<ul style="list-style-type: none"> None identified.
Gas Transporter Licence	<ul style="list-style-type: none"> Potential minor impact, subject to the wider scope of the review.

Other Impacts	
Item impacted	Potential impact
Security of Supply	<ul style="list-style-type: none"> None identified.
Operation of the Total System	<ul style="list-style-type: none"> None identified.
Industry fragmentation	<ul style="list-style-type: none"> None identified.
Terminal operators, consumers, connected system operators, suppliers, producers and other non code parties	<ul style="list-style-type: none"> Potential minor impact.

3 Terms of Reference

Background

The current Joint Gas Transporter Arrangements for the Joint Office have been in place for some time and considering the recent fundamental market changes, including but not limited to: -

1. The review of the Central Data Service Provider (Xoserve) Funding Governance & Ownership (FGO)
2. Smart and Advanced meter rollouts
3. Project Nexus
4. Faster and More Reliable Switching
5. Retail Energy Code (REC)
6. Supplier Hub
7. Energy Code Review
8. Joint BEIS/Ofgem review of Industry Governance

It would seem prudent to review the current Joint Office Arrangements to ensure they remain fit for purpose.

The industry has over the years made a number of incremental changes to the arrangements e.g. introduction of guidelines for the production of Legal Text. However, the current arrangements that determine the Funding, Governance and Ownership (FGO) of the Joint Office limit the ability of the Joint Office to evolve to meet the challenges of a market subject to fundamental changes.

The Proposer has raised a number of areas for potential reform through the existing Governance process and these were directed to the Gas Transporters Joint Governance Arrangements Committee (JGAC) as the forum responsible for the Joint Office.

These included: -

1. Joint industry Ownership of the Joint Office e.g. limited company with Board
2. Open Procurement of Joint Office arrangements e.g. services
3. Funding model for Joint Office i.e. who pays for what
4. Amendment to the voting arrangements e.g. automatic abstention from voting where there is no direct constituency interest in the matter, and
5. Legal Text production e.g. centralised production of Legal Text

On 9th December 2018, an email setting out the JGAC's comments on the proposals was sent to the Proposer. The JGAC saw merit in considering the points raised and felt that this would be better dealt with via the formation of a UNC Code Review Group. The JGAC also noted:

"Further, JGAC is also looking forward to contributing to the Joint BEIS/Ofgem Energy Code Review which was announced on the 26th November 2018. JGAC and the Joint Office will be fully participating in the Review and we look forward to the forthcoming workshops and discussions. If a Request were to be raised under the present Modification Rules procedures, we believe that the discussions involved could then input into the Joint BEIS/Ofgem Energy Code Review"

Accordingly, this Request seeks to provide that forum to enable such discussions to take place. This forum should take in to account other governance models, especially the Retail Energy Code (REC), which is designed to introduce best practice.

Topics for Discussion

- Understanding the objective, including consideration and review of:
 - Joint Gas Transporter Governance Arrangements;
 - Current funding models;
 - Transporter Licence requirements;
 - UNC impacts;
 - DSC Impacts;
 - Potential impacts on IGT UNC.
- Assessment of alternative means to achieve objective
- Development of Solution (including business rules if appropriate)
- Assessment of potential impacts of the Request
- Assessment of implementation costs of any solution identified during the Request
- Assessment of Legal Text.

Outputs

Produce a Workgroup Report for submission to the Modification Panel, containing the assessment and recommendations of the Workgroup including a draft modification(s) where appropriate.

Composition of Workgroup

The Workgroup is open to any party that wishes to attend or participate.

A Workgroup meeting will be quorate provided at least two Transporter and two User representatives are present.

Meeting Arrangements

Meetings will be administered by the Joint Office and conducted in accordance with the Code Administration Code of Practice.

4 Modification(s)

To be determined.

5 Recommendation

At the January UNC Panel the 0676R Workgroup were asked to evaluate if an independent expert is needed or not to undertake the review. As part of this work it was suggested that the scope (for UNC 0676R: Review of Gas Transporter Joint Office Arrangements) should be refined and then a test applied to confirm if the industry could deliver the changes required or if an independent expert would be beneficial (especially if it would require a wider industry change such as licence amendments, etc).

The Workgroup invites Panel to:

- Note the refined scope and the test applied to confirm this UNC Request Workgroup could deliver a Workgroup Report that considers this scope (see Appendix 1 for details).
- DETERMINE that Request 0676R should continue.
- APPROVE a request for an extension to the reporting date from June 2019 to August 2019.

6 Appendix – Scope Document

1. Scope

The following is a draft scope developed by the Workgroup:

- **The history behind the creation of the JO and understanding of Transporter Licence requirements with regards to UNC Code Administration** (to provide the background/context behind the current Joint Office governance arrangements).
 - Standard Special Condition A12: Joint Office Governance Arrangements (page 88 to 91).
- **UNC Governance Matters (Modification Rules)**
 - Use of Panel Alternates - Mod 0656 has addressed these concerns around Alternates.
 - Issues with current UNC Voting arrangements
 - Concerns around Panel making decisions on certain matters – whether legal advice could be provided to assist with these decisions
 - Current UNC Panel Voting could be enhanced by adoption of alternative voting approaches:
 - Automatic abstention from voting where there is no direct constituency interest in the matter. DSC Change Committee voting has some constituency voting and this could be used wider.
 - All UNC parties vote but it is weighted based on throughput.
 - CACoP could also assist with identifying differences/similarities in Panel voting/change processes and further options for consideration.
 - Issues with the process for Legal Text production and alternative approaches (e.g. administered by JO via centralised production of Legal Text or a contract with a third-party provider/s (or a mix of the two)).
 - Funding (GTs historical spend levels) would need to be a major consideration and the aspiration would be for the service to be value for money/ efficient.
 - To assist with this process, Modifications (ideally with a well-developed/clear solution) could be rated (easy, average and hard) from a legal text drafting perspective. In some cases early legal advice and/or engagement could be beneficial to the development of the Mod.
 - Issues with Critical Friend and how this could be improved (through pre-mod engagement and possibly new Code Manager powers). The Code Manager role could also be expanded to cover performance assurance and data analysis/challenge (is it robust, etc.).
 - Changes to JO Model could lead to changes being required to the Mod Rules to support the revised model and/or realise other opportunities/benefits.
- **UNC Governance Matters (services)** - could form part of a Code Manager role or commercial (model) offering but as part of this review it could be useful to explore how these could work from a UNC perspective.
 - Value added services – Project Management, Independent Analysis, Options Papers, technical capability.
 - New technology – website / online document access / online remote conference capability
 - Stakeholder Engagement – Transporters, Shippers, iGT's, Xoserve, Customer Reps, Ofgem, Suppliers, MAM's and other Governance providers.
- **Joint Office Governance Arrangements**
 - Funding model for Joint Office
 - Who pays for what and current costs (past 5 years?)

- What percentage of JO costs do Transporters pass through to Shippers?
- How does cost of the JO compare to other Governance Providers e.g. SPAA/REC etc.
- Issues with current model
 - Is it agile enough to cope with significant industry developments? E.g. Modification 0621, Nexus, CSS, Smart Metering
 - In the role of a Code Manager, explore the relationship with CDSP (as Delivery Body) and DSC Committees (UNC Sub-committee). Independence is a key consideration.
- **Other funding/governance models** and their pros and cons
 - Joint industry Ownership of the Joint Office e.g. limited company with Board
 - Open Procurement of Joint Office arrangements e.g. services
 - Retail Energy Code (REC) Governance Arrangements – best practise that could be utilised in UNC.

2. Test applied to confirm if the industry (UNC Request) could deliver the changes required

Aspect of the Review	Can it be assessed via a UNC Request or not?
The history behind the creation of the JO and understanding of Transporter Licence requirements with regards to UNC Code Administration	Yes – information has been obtained and could be explored by the group to provide context for the review.
UNC Governance Matters (Modification Rules): <ul style="list-style-type: none"> • Use of Panel Alternates • UNC Voting arrangements • Legal Text production • Critical Friend 	Yes – information could be obtained (alongside experiences from Transporters, Shippers, JO and Ofgem ¹) and could be explored by the group to identify options and their pros and cons. Other parties could also be asked to provide a view/input, such as Dentons, CACoP, SPAA/Gowlings, etc.
UNC Governance Matters (services) <ul style="list-style-type: none"> • Value added services • New technology • Stakeholder Engagement 	Yes – the Proposers initial list of services could be reviewed and explored by the group to identify views on services that could be adopted and add value (within the existing governance structure or a future structure). Discussion could also spark further ideas to be put forward and considered.
Joint Office Governance Arrangements <ul style="list-style-type: none"> • Funding model for Joint Office 	Yes – JGAC have confirmed that they are happy to for the JO to provide high level budget information (a figure per year) and a summary of the services provided.
Joint Office Governance Arrangements <ul style="list-style-type: none"> • Issues with current model 	Yes – issues/constraints/gaps/enhancements could be identified, reviewed and explored by the group to provide views on potential more effective/efficient models.

¹ Please note, this is subject to Ofgem confirmation in due course.

Other funding/governance models and their pros and cons	<p>Yes – parties could share/identify options through their governance experience. The group could also consider any initial thoughts from the BEIS/Ofgem review (May 2019).</p> <p>JGAC have also offered to share JO strategy work on future funding models (June or July) that would also be informed the BEIS/Ofgem views.</p>
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Note: It is recognised that an Independent Expert may still be required to conduct further work, and this requirement will be reviewed during the Workgroup process.