

UNC Modification		At what stage is this document in the process?
<h1>UNC 0674:</h1> <h2>Performance Assurance Techniques and Controls</h2>		<div style="display: flex; flex-direction: column; gap: 5px;"> <div style="border: 1px solid green; background-color: #00a651; color: white; padding: 2px; display: flex; align-items: center; justify-content: center;">01 Modification</div> <div style="border: 1px solid #00a651; padding: 2px; display: flex; align-items: center; justify-content: center;">02 Workgroup Report</div> <div style="border: 1px solid #00a651; padding: 2px; display: flex; align-items: center; justify-content: center;">03 Draft Modification Report</div> <div style="border: 1px solid #00a651; padding: 2px; display: flex; align-items: center; justify-content: center;">04 Final Modification Report</div> </div>
<p><b>Purpose of Modification:</b></p> <p>To provide an effective framework for the governance of industry performance that gives industry participants mutual assurance in the accuracy of settlement volume allocation</p>		
	<p>The Proposer recommends that this modification should be:</p> <ul style="list-style-type: none"> <li>assessed by a Workgroup</li> </ul> <p>This Modification will be presented by the Proposer to the Panel on 15 November 2018. The Panel will consider the Proposer's recommendation and determine the appropriate route.</p>	
	<p>High Impact:</p>	
	<p>Medium Impact:</p> <p>Shippers</p>	
	<p>Low Impact:</p> <p>Transporters</p>	

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Timetable			Transporter: Andy Clasper Cadent
<b>Note for Readers; there is no Version 5, we have moved directly to Version 6.</b>			
<b>The Proposer recommends the following timetable:</b>			
Initial consideration by Workgroup	08 April 2019		 <a href="mailto:Andy.Clasper@cadentgas.com">Andy.Clasper@cadentgas.com</a>
Workgroup Report presented to Panel	18 June 2020		
Draft Modification Report issued for consultation	19 June 2020		 07884 113385
Consultation Close-out for representations	10 July 2020		Systems Provider: Xoserve
Final Modification Report available for Panel	9 August 2020		 <a href="mailto:UKLink@xoserve.com">UKLink@xoserve.com</a>
Modification Panel decision	20 August 2020		

## 1 Summary

This Modification is proposed by ScottishPower on behalf of the Performance Assurance Committee.

### What

In operating the PAF (Performance Assurance Framework) the PAC (Performance Assurance Committee) have identified some weaknesses and limitations in the performance assurance regime which are impacting the effectiveness of the performance assurance model.

### Why

The PAC have a number of examples where performance issues have been identified and have not been remedied over a prolonged period. This has resulted in settlement inaccuracy over extended periods.

PAC are keen to prevent such situations occurring (through new performance assurance principles, proportionate incentive mechanisms and a progressive series of escalating controls) and when performance issues occur, they are curtailed speedily.

### How

The Proposer on behalf of PAC proposes to modify the UNC to define the following outcomes:

- I. Require UNC Parties to adhere to a basic principle that their negligence, poor performance or bad behaviours must not distort settlement even when such behaviours have not specifically proscribed within the UNC.
- II. Determine additional tools and processes available to the PAC in its work in the provision of performance assurance within the code.
- III. Allow the Performance Assurance regime to be more agile and responsive to the information it is receiving by empowering the PAC to determine and action an appropriate response at any time.
- IV. Provide PAC and PAFA (PAF Administrator) access to any standard reports already being provided to individual UNC Parties within performance packs e.g. shipper performance packs.
- V. Require UNC Parties to take action to improve their performance and remedy issues if it is identified and requested by the PAC.
- VI. Require UNC Parties to provide and adhere to any plans of action they provide.
- VII. Ensure that where it is proposed adding to or changing UNC performance standards within the UNC and performance monitoring is required, the report requirement must be added to the modification.  
  
The CDSP will be required to provide a ROM (rough order of magnitude) for the production of the monitoring reports needed for that proposal, for the modification workgroup to determine if the cost of a report is not deemed prohibitive.
- VIII. Specify the tools available to the PAC to incentivise, drive and require performance behaviours and to document these in a new ancillary document under UNCC (UNC Committee) governance.
- IX. Suitably empower the PAC, as an elected, independent body, to make decisions for and on behalf of the UNCC in respect of Performance Assurance matters.
- X. Ensure that the PAC budget does not act to constrain the duties and requirements of the PAC.
- XI. Provide clarity that UNC parties (Gas Transporters (GTs), Independent GTs (IGTs), Shippers etc.) fall under the remit of the PAC and performance assurance measures to be applied.

## 2 Governance

### Justification for Authority Direction

The modification will impact the performance assurance regime, which ultimately seeks to have a positive material impact on parties and therefore competition between them. It also seeks to increase the authority of the PAC, to allow it more decision-making powers which is likely to materially impact specific parties.

The modification:

- i. is likely to have a material effect on:
  - a. 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; and
  - b. the uniform network code governance procedures and the network code modification procedures;
- ii. is likely to discriminate between different classes of parties to the uniform network code/relevant gas transporters, gas shippers or DN operators depending on their individual performance.
- iii. Is likely to impact consumers through competition in tariffs, due to the implications of a settlement process that is not fair and equitable across parties.

### Requested Next Steps

This modification should:

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

The detailed business rules in this modification should be reviewed by a workgroup to ensure there are no unintended consequences or loop holes in the governance requirements that would thwart the performance assurance intent of this modification. Additionally, the modification should act as an incentive to meet the required performance levels and ideally ensure that parties do not make commercial decisions that detrimentally impact competing parties. The workgroup is also needed to understand materiality implications of poor performance both for the offending parties and those impacted as a result to ensure that incentives can be set appropriately.

This is a complex Modification Proposal and will require stakeholder engagement. The contractual requirements of the PAFA (Performance Assurance Framework Administrator) may also be impacted. The ancillary documents must also be drafted for initial adoption.

## 3 Why Change?

The electricity performance assurance regime in the Balancing and Settlement Code (BSC) costs approximately £3m to provide the regime.<sup>1</sup> This modification does not advocate this level of expenditure nor

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<sup>1</sup>Page 42 [Annual BSC Report 2017/18](#)

the more prescriptive style of this regime, but it does advocate that the Code supports some additional investment to deliver a 'harder-hitting' assurance that parties anecdotally indicate they require and which will deliver better returns from improved performance and less settlement uncertainty.

The existing Performance Assurance Reports do not provide context and the potential impact of performance behaviours on settlement accuracy. The PAC has an annual budget of £50k for additional support and / or reports from the CDSP (Central Data Services Provider). To put this in context – the PAC explored amending one of the existing PARR reports and the CDSP indicated that one option for doing so would use £45k of the annual budget (Ref: [PAC minutes 20 November 2018 ROM](#)). Such a budget limitation can constrain the PAC's ability to identify, assess and bring to account poor behaviour.

Since the implementation of Project Nexus on 01 June 2017, a number of issues have impacted settlement allocations. These and the length of time issues have been endured have had a direct effect on the financial and commercial health of market participants and ultimately customers. The absence of a stronger PAF, is likely to have prolonged settlement distortion and therefore, in part, high and volatile UIG.

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

This is having limited effect in some instances but is simply ignored in others.

To cite 3 examples:

- There have been significant issues with the reconciliation of mandatory DM (daily metered) sites since the implementation of Nexus in June 2017. As at November 2018, there were still 32 sites that have not had a retrospective consumption adjustment since June 2017. Actions taken to remedy this situation have included direct engagement by the CDSP (Xoserve) and a letter from Ofgem to involved parties. It took nearly a year to resolve the root causes for 177 DM meters.
- Product Class 3 read performance, despite Xoserve's engagement with the involved Shippers, is still well below the performance target.
- All shippers have access to shipper information packs and dashboards that highlight performance in many other areas. Where processes are failing and the shipper has the management information indicating that, there are no consequences of Shippers failing to act on these reports and no controls that PAC can employ to support Shippers in improving their performance.

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

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

Additionally, Ofgem, in their decision letters on Modifications 0619/A/B, requested that industry parties increase "the frequency and quality of meter read data being submitted to the Central Data Services Provider" and in their decision letter on Urgent Modifications 0642/0642A/0643 they requested that "To the extent that Xoserve depends on data provided by third parties, including the provision of frequent and accurate meter readings, it is expect to work with those parties and the PAC to ensure that these requirements are identified and being met." There is currently no effective mechanism for meeting these challenges, aside from relying on Shippers best intentions, which is not currently delivering adequate read performance or settlement certainty.

Despite introducing a risk-based PAF, the PAF is currently limited to monitoring performance reports and writing letters to the Market Participants displaying poor performance.

The UNC obligations provide no consequences for failing to meet obligations or target measures where they exist and no incentives to meet them. There is no mechanism to hold to account the performance of failing parties; and target measures provide no indication of how they might impact settlement quality nor is there evidence that impact on settlement is considered in making decisions to modify UNC obligations.

## 4 Code Specific Matters

### Reference Documents

Performance Assurance Framework

UNC TPD Section V

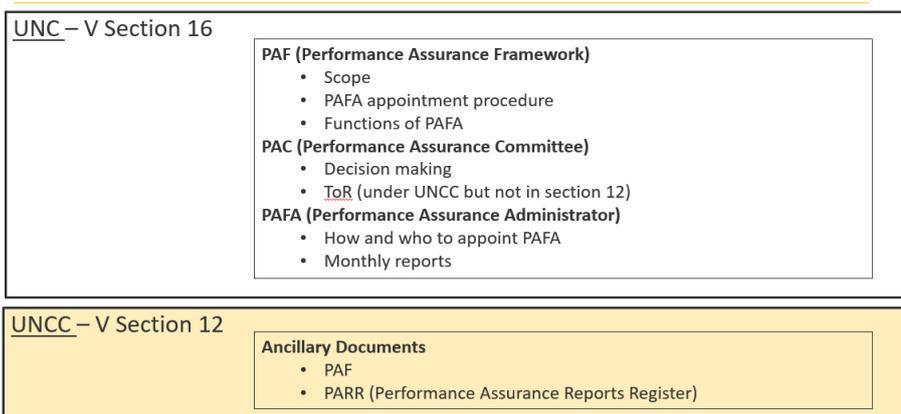
### Knowledge/Skills

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

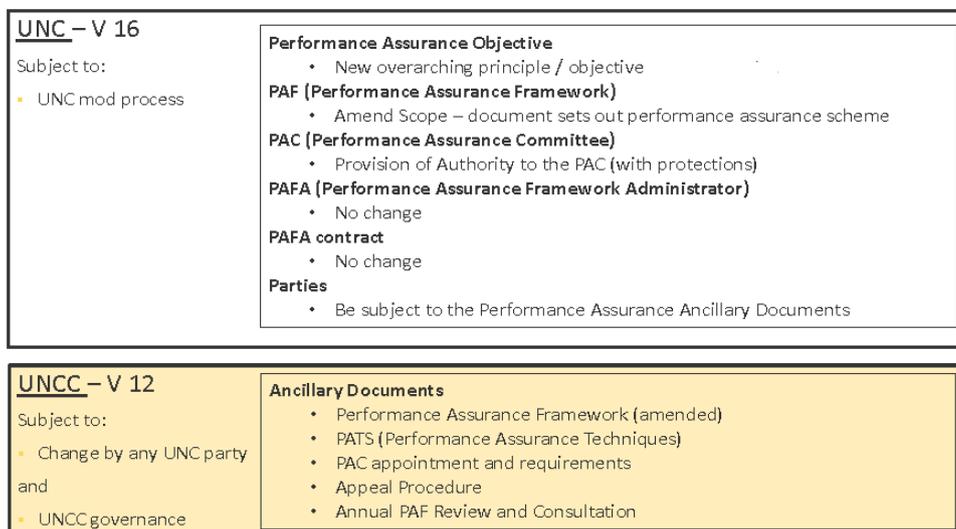
## 5 Solution

The current Performance Assurance regime is represented diagrammatically below:

### As Is



The modification will move the Performance Assurance regime to a new regime represented diagrammatically here:



In summary the solution is to oblige UNC Parties (transporters, shippers, CDSP) to comply with an objective of equitable settlement and to cooperate with other Parties to further this objective.

It will also give PAC some additional authority to identify those areas of performance (whether in Code or not) which impact the objective, to require UNC Parties to improve in those areas and to impose sanctions where performance is below the required level. It will also require Proposer of a modification which adds or changes

UNC performance standards or might impact a Party's performance against such standards to specify an appropriate monitoring report. The CDSP will be required to provide a ROM (rough order of magnitude) for workgroup consideration

The requirements below will be incorporated into the UNC.

(Associated changes will be made to the Performance Assurance Framework documents).

1) Introduce a new objective to the UNC, the Performance Assurance Objective (PAO)

The Performance Assurance Objective is :

- a. To ensure that Settlement an accurate and equitable share of energy for each shipper.

2) Introduce a new overarching principle to the UNC

- a. The Modification Panel, UNCC, sub-committees and Parties must always ensure that acts (or omissions) contribute to, and do not prejudice, the achievement of the Performance Assurance Objective even when such acts or omissions are not explicitly precluded under UNC
- b. The acts or omissions of any other party (such as another shipper, supplier or their agent) does not absolve any other party of their obligations under the UNC.
- c. Parties acknowledge that reports provided by PAFA or PAC shall constitute evidence of a Party's performance with regard to UNC compliance, and shall be accepted as such unless evidenced to the contrary. Parties will use these reports to self-monitor performance. Parties will also respond to PAFA/PAC enquiries with the requested information, timeously and in accordance with such process as may be specified in PAF Document from time to time.

3) Introduce a new overarching principle to the UNC of collective co-operation towards the specified objective.

- a. All UNC Parties acknowledge that each is dependent on the others for the achievement of the PAO and will cooperate wherever is necessary (whether explicitly required in UNC or not) to achieve the PAO

4) Move responsibility for PAF document preparation and maintenance from DNO to PAC (and submitted to UNCC for information).

5) Give PAC authority in the UNC, with relevant protections noted below, to include:

- To determine the performance and applicable assurance monitoring and incentive tools to be applied to a Party
  -
- Require parties to respond to and meet PAC requests reasonably made in the context of performance matters and in pursuit of the Performance Assurance Objective.
- Deploy Performance Assurance Techniques (PATs) described in the ancillary document as they deem appropriate. Parties acknowledge that such techniques could include publishing on the Joint Office website the relative performance of Parties to allow peer comparison. Such information will be limited to the performance measures outlined in PAFD from time to time. PAC will not divulge any information on the Parties' specific commercial or operational arrangements or the reasons for the level of performance or improvement plans.

Commented [BM1]: To PAFD

- Request reports or data that it deems required to understand performance issues, causes and materiality of impact on the Performance Assurance Objective. This includes the authority to make any changes to PARR without requiring prior approval of UNC. PAC will advise UNCC of the change.

Commented [BM2]: To PAFD

- .
- Requesting the remedy of performance issues, where there is no explicit prescriptive performance standard specified in the code, where that performance issue is limiting or preventing the achievement of the achievement of Performance Assurance Objective (PAO)

Commented [BM3]: To PAFD

6) PAC Protections

- All shippers shall be required to nominate a person in their organisation to act in capacity as First Point of Contact in relation to all PAC correspondence (the "PAP Authoriser"), such person to be of sufficiently seniority so as to understand and instruct action to be taken in regard to such communication
- PAC, PAFA and CDSP personnel attending closed PAC meetings may not reveal the workings or the decision making process in reaching any decisions, save when required by law or due to an appeal from any affected party.
- PAC, PAFA and CDSP personnel attending closed PAC meeting are required to sign and adhere to undying non disclosure agreements and any confidential material downloaded must be deleted when no longer required and when ceasing to attend the PAC (for whatever reason), whichever is sooner. [Dentons to confirm whether the letters signed by PAC members are sufficient or is some wider protection for both sides required]
- Using an approach similar to Section X for EBCC (which avoids the need for each and every Party to provide separate indemnities), Members (being persons) of PAC, PAFA and CDSP connected with a performance assurance decision should be protected from any litigation connected with the operation of the performance assurance regime

- 7) Ensure that in the UNC that the PAC election process should be conducted in a way that provides for continuity of personnel and experience, so that appropriate performance measures being deployed are maintained and seeks to ensure impartiality / independence.

Commented [BM4]: To PAFD

PAC will continue to be an elected and impartial committee with appropriate expertise to make assessments and judgements using the tools and evidence provided. Individuals with an interest in any matter being discussed will declare it; PAFA will advise PAC if it becomes aware of potential conflict of interest. PAC members will apply their expertise without discrimination.

- 8) Where PAC requests an interview with a party, the party is required to attend and send an individual(s) with the required expertise and authority.
- 9) PAC is a UNC sub-committee, it's terms of reference constituted by the PAC Constitution Document under UNCC; however it cannot under GTB4.3.1. 'cease to be established' by UNCC. The intention being that PAC is established by Code; UNCC can modify PAC's Constitution by unanimous vote.

## 6 Impacts & Other Considerations

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

None identified.

### Consumer Impacts

No direct impacts identified.

### Cross Code Impacts

The Proposer intends that the arrangements outlined herein should apply to IGT sites and for that reason will pursue the appropriate IGT UNC changes as IGT138 .

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

### EU Code Impacts

None identified.

### Central Systems Impacts

Some development to support new reporting and invoicing processes.

## 7 Relevant Objectives

Impact of the modification on the Relevant Objectives:

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

d) It is believed that these proposals will reduce settlement costs by reducing volume uncertainty at nomination and allocation, thereby reducing the likelihood of Shippers building in risk premiums into budgets and customer contracts. This will improve competition between Shippers and Suppliers and reduce a potential barrier to entry for new Shippers.

f) The current PAF is not effective and therefore the value from associated expenditure is questionable. It is believed that these proposals will improve the effectiveness of PAF and therefore promote more efficient implementation and administration of the Code.

## 8 Implementation

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

## 9 Legal Text

### Text Commentary

To be provided by Transporters.

### Text Commentary

To be provided by Transporters.

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

## 10 Recommendations

### Proposer's Recommendation to Panel

Panel is asked to:

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

## 11 Appendix 1 – Proposed Ancillary Document

### Performance Assurance Techniques (PATs)

#### 1. Monitoring

- REGULAR MONITORING
  - The Performance Assurance Framework Administrator (PAFA), on behalf of the PAC regularly monitor, on a monthly basis, the industry's performance against a set of pre-defined Performance Assurance Reports. The reports and the Performance Assurance Report Register (PARR) were implemented by UNC0520A, which determined that data would be published anonymously to the industry but allowed PAC visibility of the identity of the poorest performing Shippers.
  - PAFA are responsible for the processing of the report data which is provided by the CDSP and uploading the reports to the Huddle platform in a timely manner.
  - PAFA are also responsible for providing further analysis using the data provided and creating a set of dashboards which look at historic performance and begin to compare the poorest performers against the industry average
- TARGETTED MONITORING
  - If a Shipper is identified as consistently underperforming, or a risk as defined in the Risk Register requires closer monitoring, PAFA will perform targeted monitoring. This will entail using both the PARR data and additional data requested from the CDSP, to perform a deeper level of analysis to build a clearer picture of behaviours and enable, with agreement of the PAC, performance improvement action to be taken.

#### 2. Shipper communication

- PERFORMANCE OBSERVATION LETTER
  - If analysis of the PARR report data identifies a poor performing area of the industry, PAFA have the authority to write to all relevant Shippers, highlighting the area of concerns, reminding them of their obligations under code and requesting that an improvement is made.
- DATA CLEANLINESS OBSERVATION LETTER
  - PAFA can write to targeted Shippers requesting an improvement in data quality.
- POOR PERFORMANCE OBSERVATION - RESOLUTION REQUIRED
  - With the agreement of the PAC, PAFA will, on behalf of the PAC, write to the poorest performing Shippers requesting that;
    - They acknowledge receipt of the letter identifying their poor performance
    - The performance issues are address asap, PAC will review performance 4 months after the date of the letter
    - A resolution plan is provided which ensures that the performance issue does not reoccur

### 3. PAC Meeting / call in

- Failure to respond to a poor performance observation letter, or failure to provide a resolution plan can result in the PAC 'calling in' senior management of the offending Shipper to allow them to explain, in person, the reason for poor performance and why performance is not improving.

### 4. Publication of Stats/Name and Shame

- PAFA have the ability publish statistics on Shipper performance (in addition to the PARR reports) to the wider industry
- PAFA have the ability to name those Shippers who consistently poorly perform to the wider industry (In its notice of implementation for UNC0520A, Ofgem stated 'comparison maybe a powerful tool at the PACs disposal, with the threat of disclosure itself being an incentive to improve or maintain performance')

### 5. Report to Ofgem

- PAFA on behalf of the PAC can report to Ofgem on industry performance.
- Reports can include;
  - Targeted Shipper reports on performance across one or multiple PARR reports
  - detailed analysis of industry performance across one or multiple PARR reports
  - Detail of performance improvement plans proposed by Shippers
  - Resolutions actions taken to date

### 6. Other sanctions / incentives (Detailed in separate Ancillary Document)

- Proportionate measures such as:
  - Temporary suspension from shipping new business (potential consequential impact on suppliers and their customers)
  - Liquidated damage charges per failure or one-off charge for total consequence of failure over a period (Declared in advance, but possibly applied retrospectively and a genuine estimate of the consequential gains / losses to parties of a party's behaviour).
  - Punitive charge for failure to act or respond (Ofgem involvement)