

0387:

## Removal of Anonymity from Annual Quantity Appeal and Amendment Reports



This Proposal will mean any report issued by the Network Owners regarding Shipper performance in AQ Amendment and Appeal process is not anonymous.



Responses invited by 09 December 2011.



Medium Impact:  
Network Owners, Shippers.

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## About this document:

This document is a Draft Modification Report, which was issued for consultation responses, at the request of the Panel on 17 November 2011. The close-out date for responses is 09 December 2011. The Panel will consider the responses and agree whether or not this modification should be made.



### 3 Any questions?

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# 1 Summary

## Is this a Self-Governance Modification

The Modification Panel determined that this modification should not follow the Self Governance procedures as it was felt that it may have a material impact on smaller Shippers and therefore be detrimental to competition.

## Why Change?

The current provisions for industry reporting in this area apply unequally, with some Shippers afforded anonymity and others not. This means that some parties are afforded more protection than others and are party to more information than others. It is considered that the lack of transparency does not foster an environment of accountability regarding compliance with Code.

## Solution

This proposal will obligate the Network Owners to ensure that any industry report detailing Shipper performance in the AQ Appeals or Amendments processes are published without anonymity. It will also obligate the Network Owners to publish the last available set of such reports with the anonymity removed.

## Impacts & Costs

This Proposal will not change the rules around how the AQ appeal process works, nor the data which must be collected in order to publish the reports in question. It will not therefore have an impact on Network Owners other than the requirement to include Shipper Short Code within these reports in place of the "code-words" which currently exist.

The impact on Shippers will be limited to the fact that more information will be publicly available about the way in which they have used to AQ appeal and amendment processes.

## Implementation

This Proposal should be implemented as soon as possible after an Ofgem direction to implement.

## The Case for Change

Firstly, Shippers will not face different treatment from the Network Owners with regards to the degree to which performance data is publicly shared, creating a level playing field in terms of what data is made available between Shippers, and secondly the increased transparency of these reports will deter any Shippers from misusing industry processes for the amendment and appeal of AQs.

## Recommendations

All parties are invited to consider whether they wish to submit views regarding this modification.

## 2 Why Change?

The current industry reporting only offers partial anonymity, with some Shippers being easily identifiable in the report and others afforded full anonymity by virtue of the fact that portfolio size is given as a data item. British Gas for example can be easily identified by the number of Supply Points shown against them in the report whereas it is not always clear who the other Shippers are. Other Shippers are also affected. This discrimination is unwarranted and affords different levels of protection to different Shippers. It is believed that the information contained within the reports is not commercially confidential and that furthermore no Shipper should have anything to hide in these reports. Consequentially, it is proposed that anonymity should be removed for all – in both current reports on AQ appeal and amendment processes and in future reports for the same subject.

As well as creating a level playing field in terms of the information available to Shippers, it is believed this will also act as a deterrent to Shippers who may seek to breach the UNC rules on AQ amendments and appeals. By knowing that reports will be published identifying them and their performance for other Shippers to see, any Shipper considering misusing the process in this way will be aware that their performance will be scrutinised by their competitors, and will be less likely to misuse the processes. This will therefore afford greater control against the AQ amendment and appeal processes.

### 3 Solution

This proposal will obligate the Network Owners to ensure that any future industry report detailing Shipper performance in the AQ Appeals or Amendments processes are published without anonymity. It will also obligate the Network Owners to publish the last available set of such reports with the anonymity removed.

British Gas have also proposed a new set of reports on AQ Appeal performance under Modification 0378. For clarity, the removal of anonymity proposed under this Modification would also apply to the reports proposed in Modification 0378, if that proposal is implemented.

## 4 Relevant Objectives

Implementation is expected to better facilitate the achievement of **Relevant Objectives d and f**.

### Proposer's view of the benefits against the Code Relevant Objectives

Description of 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/ (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.	Yes, see below.
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	Yes, see below.

The Workgroup consider this Proposal facilitates UNC Relevant Objectives (d) and (f).

#### **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.**

British Gas considers that by ensuring that all Shippers are afforded the same amount of information regarding competitors performance in the AQ amendment and appeal processes will ensure that no one group of Shippers is advantaged over the other.

Some members considered that the deterrent effect of transparency in this area may lead to greater control over Shipper's performance in managing the AQ amendment and appeal processes and therefore increase protection against any misuse of the processes. As these processes are used to allocate £billions of cost in the market, the greater control associated with this Proposal will help ensure the fair allocation of costs, thus facilitating effective competition between Shippers. However, some members consider the additional transparency will allow parties to draw conclusions on an individual parties behaviour based on performance, which may or may not be justified. Therefore this may lead to reputational impact

Some members did not consider this modification will further this relevant objective as there is no evidence the current process is being abused, therefore the removal of anonymity will not provide any additional transparency.

**f) *Promotion of efficiency in the implementation and administration of the Code***

The Proposer considers that this Proposal will provide greater transparency over the degree to which Shippers are compliant with the existing Code obligations not to misuse the AQ amendment and appeal processes, thus facilitating efficiency in the implementation and administration of the Code.

Some members disagreed that this relevant objective will be furthered by implementation of this modification as there is no evidence that additional transparency will modify a parties behaviour to improve overall performance in the AQ amendment and appeals processes.

## 5 Impacts and Costs

This Proposal will impact both Shippers and Network Owners. Network Owners, who publish these industry reports will replace the existing “code-words” for actual Shipper Short Codes and some Shippers will no longer be afforded anonymity for their actions.

### Costs

Indicative industry costs – User Pays	
Classification of the proposal as User Pays or not and justification for classification	
This proposal is not considered to be User Pays, as it would not present Network Owners with any additional cost.	
Identification of Users, proposed split of the recovery between Gas Transporters and Users for User Pays costs and justification	
n/a	
Proposed charge(s) for application of Users Pays charges to Shippers	
n/a	
Proposed charge for inclusion in ACS – to be completed upon receipt of cost estimate from Xoserve	
n/a	

### Impacts

Impact on Transporters’ Systems and Process	
Transporters’ System/Process	Potential impact
UK Link	<ul style="list-style-type: none"> <li>None.</li> </ul>
Operational Processes	<ul style="list-style-type: none"> <li>Transporters will be required to issue out industry reports on the use of the AQ appeal and amendment process with the Shipper Short Code.</li> </ul>
User Pays implications	<ul style="list-style-type: none"> <li>None.</li> </ul>

Impact on Users	
Area of Users’ business	Potential impact
Administrative and operational	<ul style="list-style-type: none"> <li>None.</li> </ul>
Development, capital and operating costs	<ul style="list-style-type: none"> <li>None.</li> </ul>





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**Where can I find details of the UNC Standards of Service?**

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In the Revised FMR for Transco's Network Code Modification **0565 Transco Proposal for Revision of Network Code Standards of Service** at the following location:  
[www.gasgovernance.co.uk/sites/default/files/0565.zip](http://www.gasgovernance.co.uk/sites/default/files/0565.zip)

Impact on Users	
Contractual risks	<ul style="list-style-type: none"><li>• None.</li></ul>
Legislative, regulatory and contractual obligations and relationships	<ul style="list-style-type: none"><li>• None.</li></ul>

Impact on Transporters	
Area of Transporters' business	Potential impact
System operation	<ul style="list-style-type: none"><li>• None.</li></ul>
Development, capital and operating costs	<ul style="list-style-type: none"><li>• None.</li></ul>
Recovery of costs	<ul style="list-style-type: none"><li>• None.</li></ul>
Price regulation	<ul style="list-style-type: none"><li>• None.</li></ul>
Contractual risks	<ul style="list-style-type: none"><li>• None.</li></ul>
Legislative, regulatory and contractual obligations and relationships	<ul style="list-style-type: none"><li>• None.</li></ul>
Standards of service	<ul style="list-style-type: none"><li>• None.</li></ul>

Impact on Code Administration	
Area of Code Administration	Potential impact
Modification Rules	<ul style="list-style-type: none"><li>• None.</li></ul>
UNC Committees	<ul style="list-style-type: none"><li>• None.</li></ul>
General administration	<ul style="list-style-type: none"><li>• None.</li></ul>

Impact on Code	
Code section	Potential impact
	<ul style="list-style-type: none"><li>•</li></ul>
	<ul style="list-style-type: none"><li>•</li></ul>

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"><li>• None.</li></ul>
Network Exit Agreement (Including Connected System Exit Points) (TPD J1.5.4)	<ul style="list-style-type: none"><li>• None.</li></ul>
Storage Connection Agreement (TPD R1.3.1)	<ul style="list-style-type: none"><li>• None.</li></ul>

Impact on UNC Related Documents and Other Referenced Documents	
UK Link Manual (TPD U1.4)	• None.
Network Code Operations Reporting Manual (TPD V12)	• None.
Network Code Validation Rules (TPD V12)	• None.
ECQ Methodology (TPD V12)	• None.
Measurement Error Notification Guidelines (TPD V12)	• None.
Energy Balancing Credit Rules (TPD X2.1)	• None.
Uniform Network Code Standards of Service (Various)	• None.

Impact on Core Industry Documents and other documents	
Document	Potential impact
Safety Case or other document under Gas Safety (Management) Regulations	• None.
Gas Transporter Licence	• None.

Other Impacts	
Item impacted	Potential impact
Security of Supply	• None.
Operation of the Total System	• None.
Industry fragmentation	• None.
Terminal operators, consumers, connected system operators, suppliers, producers and other non code parties	• None.

## 6 Implementation

The Proposer considers that this Proposal should be implemented as soon as possible after an Ofgem direction to implement.

The Workgroup have not provided a timescale for implementation of this modification (as referred to in 6.2.1 of the Modification Rules) as it is not required for the purposes of enabling the Authority or any persons, including but not limited to Users, Transporters, Third Party Participants and Non Code Parties to be aware of the potential benefits or constraints associated with such timing.

## 7 The Case for Change

In addition to those identified the above:

### Advantages

- None.

### Disadvantages

- None.

## 8 Legal Text

### Text

The following legal text has been provided by National Grid Distribution:

#### **Uniform Network Code – Transportation Principal Document Section G**

*Amend paragraphs 1.6.18 and 1.6.20 as follows:*

1.6.18 The Transporters shall publish, by the dates specified in paragraph 1.6.20, a report containing the following information in respect of each User:

- (a) in aggregate across all End User Categories:
  - (i) the number of applications made by the User during the User AQ Review Period (in accordance with paragraph 1.6.4) for an increase in the Provisional Annual Quantity and for a decrease in the Provisional Annual Quantity;
  - (ii) the number of such successful applications made by the User during the User AQ Review Period (in accordance with paragraph 1.6.7) that resulted in a User Provisional Annual Quantity shown by the resulting increase and decrease in comparison to the Provisional Annual Quantity;
  - (iii) the number of Speculative Calculation enquiries made by the User during the preceding Gas Year;
- (b) by each End User Category:
  - (i) the number of Supply Meter Points where the Annual Quantity has increased or decreased as a result of the successful applications referred to in (a)(ii) shown as a percentage of the total number of Supply Meter Points in that End User Category;
  - (ii) the change to the Annual Quantity in aggregate (expressed in kWh) that has occurred due to the increases or decreases as a result of the successful applications referred to in (a)(ii);
  - (iii) the number of Supply Points that have moved from one End User Category to another End User Category as result of the successful applications referred to in (a)(ii);
- (c) by each LDZ, the number of such successful applications made by the User during the User AQ Review Period (in accordance with paragraph 1.6.7) that resulted in a User Provisional Annual Quantity shown by the resulting increase and decrease in comparison to the Provisional Annual Quantity.

1.6.20 For the purposes of all reports published by Transporters under this paragraph 1.6:

- (a) the dates for the publication of the information to be contained in the report in accordance with paragraph 1.6.18 shall be in the case of:
  - (i) paragraph 1.6.18(a) and (b), by no later than:
    - (1) 1 July, in respect of Smaller Supply Meter Points on an interim basis;
    - (2) 1 August, in respect of Larger Supply Meter Points on an interim basis; and

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(3) 1 November in respect of all Supply Meter Points on a final basis;

in each case in the relevant Gas Year.

(ii) paragraph 1.6.18(c), by no later than 1 November in the relevant Gas Year, in respect of all Supply Meter Points on a final basis.

(b) the Transporters shall name the relevant User(s) in the report.

*Part IIC – Transitional Rules, insertion of new paragraph 1.7.5 as follows:*

1.7.5 Within 10 Business Days of the implementation of Modification 0387, the Transporters shall re-publish the final report(s) published pursuant to TPD Section G 1.6.20(a)(i)(3) and 1.6.20(a)(ii) prior to such implementation naming the relevant User in such report(s).

## 9 Recommendation



All parties are invited to consider whether they wish to submit views regarding this modification. The close-out date for responses is 09 December 2011, which should be sent to [enquiries@gasgovernance.co.uk](mailto:enquiries@gasgovernance.co.uk). A response template which you may wish to use is at [www.gasgovernance.co.uk/0387](http://www.gasgovernance.co.uk/0387).

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**Consultation Ends**

On 09 December 2011