

## Stage 03: Draft Modification Report

# 0410 0410A:

## Responsibility for gas off-taken at Unregistered Sites following New Network Connections

These modifications propose to place an obligation on Gas Transporters and Shippers to take responsibility for any gas consumed at Unregistered Sites to reduce the likelihood of gas flowing at a New Supply Meter Point in the absence of a registered User.



Responses invited by 07 June 2013.



High Impact: Transporters, Customers



Medium Impact: Shippers, Suppliers



Low Impact: -

At what stage is this document in the process?



# Contents

1	Summary	3
2	Why Change?	3
3	Solution	6
4	Relevant Objectives	15
5	Impacts and Costs	17
6	Implementation	19
7	Legal Text	23
8	Recommendation	23
9	Appendix 1 (Modification 0410A)	24

## About this document:

This Draft Modification Report is issued for consultation responses, at the request of the Panel on 18 April 2013.

All parties are invited to consider whether they wish to submit views regarding these modifications.

The close-out date for responses is 07 June 2013, 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/0410](http://www.gasgovernance.co.uk/0410)

The Panel will consider the responses and agree whether or not these modifications should be made.


Contact: <b>Code Administrator</b>
 <b>enquiries@gasgovernance.co.uk</b>
 <b>0121 288 2107</b>
Proposers: <b>0410: Andrew Green (Total Gas &amp; Power Ltd)</b> <b>0410A: Chris Warner (National Grid Distribution)</b>
 <b><a href="mailto:andrew.green@totalgp.com">andrew.green@totalgp.com</a></b>  <b><a href="mailto:chris.warner@nationalgrid.com">chris.warner@nationalgrid.com</a></b>
 <b>A Green: 01737 27565554</b> <b>C Warner: 07778 150668</b>
<b>Proposer's Representative for 0410:</b> <b>Gareth Evans (Waters Wye Associates)</b>
 <b><a href="mailto:gareth@waterswye.co.uk">gareth@waterswye.co.uk</a></b>
 <b>07500 964447</b>

# 1 Summary

## Are these Self-Governance Modifications?

The Modification Panel determined these modifications were not suitable to be considered under the Self-Governance Process.

## Why Change?

Currently Transporters have responsibility for MPRN creation, allocation and record keeping in relation to new service connections and, in accordance with industry processes, are informed of the installation of a meter from which point the Supply Point is capable of flowing gas. Further, where it appears that gas may be taken in the course of conveyance, Transporters have a licence requirement (SLC 7) to investigate and recover the value of gas so taken. The Transporters' ability to charge for gas taken in the course of conveyance is set out in the Gas Act, Schedule 2B para 9.

Suppliers and Shippers do not have the same rights and obligations, nor do they have control of network connection processes and are thus powerless to prevent the unauthorised (Unregistered) abstraction of gas prior to a Shipper confirming ownership of the supply point through SPA processes. Suppliers/Shippers have no ability to recover gas taken at Unregistered Sites nor limit loss to the industry by disconnection without a Shipper first having confirmed ownership.

Unregistered Sites following new network connections are a significant source of Unidentified Gas (207GWh at last estimate<sup>1</sup>). Where the Transporter has control over the new connection process and the ability to limit loss and recover costs, the Transporter should be responsible and accountable for the consequences of any gas off-taken prior to shipper confirmation at a new connection to the network.

Where the Shipper requests the creation of an MPRN from the Transporter, that Shipper then has the ability to limit loss and recover costs through a contractual relationship with the infrastructure provider, and therefore that Shipper should be responsible and accountable for the consequences of any gas off-taken prior to Shipper confirmation at a new connection to the network.

Note: for the purposes of this document the following definitions apply:

Shipperless site: A site that no longer has a Shipper/Supplier registered but could be still subject to the deemed contract rules in some circumstances

Unregistered site has never had a Supplier/Shipper responsible so there cannot be a deemed contract.

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<sup>1</sup> Allocation of Unidentified Gas Statement, version 4.0 December 23 2011

### **For Modification 0410A**

Presently the UNC establishes that “no person shall be entitled to offtake gas from the Total System at a New Supply Meter Point at any time before the First Supply Point Registration Date”. However there is evidence that an increasing number of Supply Meters are being installed, rendering the Supply Meter Point capable of flowing gas in the absence of a supply contract and associated User registration. Gas offtaken by consumers in these circumstances has a significant adverse financial consequence on the User community with the energy costs being borne by Users having Smaller Supply Points (SSPs) though the Reconciliation by Difference (RbD) mechanism and by Shippers having Larger Supply Points (LSPs) where a reallocation of energy is made by the Allocation of Unidentified gas Expert (AUGE).

## **Solution**

### **Modification 0410**

This modification proposes that Transporters should be responsible for, investigate and resolve Unregistered Sites following a new network connection where the Transporter has created the Meter Point Reference Number (MPRN) for any party other than a Shipper. If such an Unregistered Site has not either been assigned to a Shipper or disconnected following investigation by the Transporter, then the Transporter will be liable for the costs of the gas that the site has abstracted from the network. This modification also proposes to require that where Transporters become aware of a contracted supplier to an Unregistered Site, that they will make reasonable efforts to inform that contracted Supplier so that they may arrange for a shipper to register the site.

As the related siteworks contracts are outside of the remit of the UNC, this solution will leave it to the discretion of the Transporters, individually or collectively, to decide on the best control measures to put in place to prevent the flow of gas prior to shipper confirmation. We envisage that these could be similar to controls that exist in the electricity industry (where new connections must have a registered supplier prior to work commencing) or bespoke Gas industry processes could be developed.

Where a Shipper requests the creation of an MPRN from the Transporter, that shipper then has the ability to limit loss and recover costs through the contract it has with the siteworks provider, and therefore that Shipper should be responsible and accountable for the consequences of any gas off-taken prior to shipper confirmation at a new connection to the network.

### **Modification 0410A**

It is proposed to introduce provisions to the UNC which require Users to ensure their Suppliers have valid supply contracts in place before commissioning the installation of a Supply Meter at a New Supply Meter Point. This will be accompanied by measures to secure that a New Supply Meter Point is either registered to a User or disconnected. Obligations on Transporters to investigate unregistered sites also feature.

## Impacts and Costs

These modifications would minimise the amount of gas attributed to Unregistered Sites following siteworks.

The party empowered to manage the controls around new connections and the party with rights to remedy where no Shipper confirms ownership is the Transporter where the Transporter has issued the MPRN and the Shipper where the Shipper has requested the creation of the MPRN from the Transporter. The costs would therefore be borne by the correct party.

Where this is the Transporter this would be in line with their responsibilities for providing a safe network, managing new connections processes, preventing and rectifying theft in conveyance and responsibility for gas taken in the course of conveyance. The costs to the industry and therefore end consumers will be less because gas consumed at Unregistered Sites would be minimised and it would reduce the amount of gas that is socialised across all customers. Also, Transporters would protect their transportation revenue for sites newly connected to the Network

### Modification 0410A

Where the Shipper requests the creation of an MPRN from the Transporter, that shipper then has the ability to limit loss and recover costs through a contractual relationship with the end consumer.

Implementation of the proposed terms would reduce the overall population of 'unregistered sites' which has been highlighted as an industry concern in light of the risk of socialised costs being otherwise applied to the User community.

The proposed method of achieving re-registration is an existing process operated by both Users and Transporters (including the capability for the Transporter to register on the User's behalf). Notwithstanding this, it is expected that systems, process and administration costs are likely to be incurred by Transporters.

## Implementation

### For Modification 0410

01 December 2013 if a decision is received after 01 April 2013 and prior to or on 01 June 2013

- 01 April 2014 if a decision is received after 02 June 2013 and prior to or on 01 October 2013
- If a decision is received after 01 October 2013 implementation should be on the following 01 April that is at least 6 months after the decision date.

Note: The modification will not be effective for the first 12 months following implementation.

## For Modification 0410A

Systems changes are likely to be necessary to facilitate implementation of this modification. As part of its development, consideration will need to be given to identifying an optimum timetable for implementation. Consequently an implementation date is not identified at this point.

## The Case for Change

These modifications should give the party who is in control of the industry processes and the remedies (ie investigating, escalating and ultimately disconnecting where end consumers do not find a Shipper within an agreed timescale) the responsibility for the consequences of any gas abstracted from a supply point prior to a Shipper confirming ownership.

### Modification 0410A

This alternative modification has been raised to offer a balanced contractual remedy to the enduring issue of 'unregistered sites'.

## 2 Why Change?

### Modification 0410

At present, where the Transporter creates the MPRN, neither Suppliers nor Shippers have any direct control of the processes that relate to the new connection and nor do they have the authority to invoice for gas or disconnect a customer that they have not confirmed ownership of. Often Suppliers/Shippers are not involved at all and are unaware that a connection or meter installation has taken place. Shippers are therefore powerless to prevent the unauthorised and unpaid for abstraction of gas prior to a Supplier obtaining a supply contract with the end consumer and the Shipper confirming ownership of the supply point through SPA processes. The cost for any gas that is abstracted by these Unregistered Sites is inequitably borne by Shippers through the RbD and Unidentified Gas processes.

By contrast, Transporters have responsibility for MPRN creation and issue MPRNs to any party wishing to make future connections to their network (note this modification proposal excludes assigning Transporter responsibility for unregistered gas assigned to those MPRNs that are requested by Shippers/Suppliers). A connections company will then install the pipe-work and connection and label the connection with the MPRN that they have assigned to that connection. The network is then informed and the MPRN is recorded on their system. Following the installation of a meter, from which point the Supply point is capable of flowing gas, the network is informed and this is also recorded. The Transporter is also aware at the point that a Shipper confirms the site. As the party with oversight and control of this process therefore, any solution should look to require the Transporters to ensure that the number of Unregistered

Sites is minimised and where no Shipper confirmation follows the connection the site is investigated by Transporters and steps taken to limit loss to the industry.

Where a Shipper requests an MPRN from a Transporter and the MPRN is effectively created by the Shipper, then this Shipper has the ability to ensure that they contractually able to control the future registration of that supply point. In this case it is appropriate for the requesting Shipper should be responsible for any future unregistered gas associated with this MPRN until its first registration point.

### **For Modification 0410A**

There is evidence that Supply Meters are installed at New Supply Meter Points in the absence of a supply contract between the consumer and Supplier.

The UNC TPD Section G establishes that:

"7.3.3 Subject to paragraph 7.3.7, no person shall be entitled to offtake gas from the Total System at a New Supply Meter Point at any time before the First Supply Point Registration Date.

7.3.4 For the purposes of the Code, the "First Supply Point Registration Date" is the Supply Point Registration Date of the first Supply Point Registration to be made for a Supply Point comprising the New Supply Meter Point."

Therefore the UNC clearly contemplates that gas cannot be permitted to be offtaken at a Supply Point which is not registered to a User. However 'unregistered sites' are known to exist. Some sites can be legitimately unregistered, i.e. that a Supply Meter is installed but is not capable of flowing gas, i.e. that a physical device is fitted preventing flow of gas. However, in other cases a Supply Meter may have been installed and offtake of gas enabled but through process failure the consumer is offtaking gas in the absence of a Supplier and registered User. Alternatively a consumer may be contracting with a Supplier in good faith but the relevant User has not registered the Supply Point through process failure.

Only where a Supply Meter is installed can gas flow. Offtake of gas could not otherwise occur (other than in the case of an illegal connection to the service pipe). Modification 0410 seeks to place a responsibility on the party requesting the creation of an 'M' number to bear liability for a Supply Point where gas has flowed in the absence of User Registration. The Modification disregards the significance of the presence of the Supply Meter or a supply contract and focuses instead on the existence of a 'live' service pipe to a property. Thus a Transporter or User who requested the 'M' number could bear financial responsibility for energy flowing at an unregistered New Supply Meter Point even if a supply contract is in place and a Supply Meter has been installed at the request of a Supplier but where that Supplier's User has failed to register the Supply Point.



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### Unregistered sites

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An unregistered site is a New Supply Meter Point which has never been registered to a User on the Supply Point Register.



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### Supply Meter Point Reference Numbers

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A Supply Meter Point Reference ('M') Number is defined in UNC TPD Section G1.9.2(a). TPD Section G7.3.1. sets out the circumstances in which the 'M' number is recorded on the Supply Point Register.

## 3 Solution

### Modification 0410

This modification seeks to assign responsibility to the accountable party for gas consumed at a site following its connection to the network if it is not subsequently confirmed with a Shipper and all gas used by that site subsequently allocated. Where the Transporter creates the MPRN and issues it to any party other than a Shipper, then the Transporter shall be the responsible party. Where a Shipper requests an MPRN from a Transporter, then the Shipper shall become the responsible party. It is not intended that this proposal is retrospective in nature but should apply to connections to the Gas Transportation Network after the implementation date – it does not attempt to clear the backlog of Unregistered Sites that currently exist, which we believe should be resolved through a separate process.

There are currently provisions in the UNC which allow a site's consumption to be backdated to a Shipper if they provide the reading as at Meter Fix. We propose for this to continue and to apply to all cases where the Shipper has created the MPRN.

### Changes to the AUGE process

This process will quantify the amount of Unidentified Gas being used by unregistered sites that connect to the network after the modification is implemented. It therefore will have an impact on the AUGE process.



Once this modification has been approved, we will be looking to modify the AUGÉ guideline document to specifically require the AUGÉ to take into account the information collated by Xoserve when dealing with Unregistered sites.

## **Business Rules**

### **1. Scope of Process**

- 1.1. The process described below will be initiated to determine whether a consumer premises that is assigned an MPRN is capable of offtaking gas (i.e. has a meter fitted) without a Shipper being assigned to that site. If found to have off-taken gas then the organisation that requested creation of the MPRN will be charged for Unregistered Gas used, as estimated by Xoserve.
- 1.2. It does not apply when:
  - 1.2.1. A premises has been connected to the network without being assigned an MPRN (this is covered by processes dealing with theft in conveyance).
  - 1.2.2. A premises that has connected to the network and has been assigned an MPRN and gas has been off-taken but has not had a meter fitted to an appropriate standard when investigated (this is covered by processes dealing with theft in conveyance).
  - 1.2.3. A site has connected to the network and has been assigned an MPRN, but has not off-taken any gas as determined under section 3 of this document (site is currently adhering to the UNC provisions, specifically TPD G7.3.3).
  - 1.2.4. A site has been connected to the network, assigned an MPRN, has initially off-taken gas without a Shipper registered, but all of the site's consumption is backdated in accordance with G7.3.7 or a registering Shipper has been allocated all of the unregistered consumption for that site.
- 1.3. This process will only apply to sites where an MPRN has been issued after the Modification has been implemented following an Authority decision.

### **2. Process Trigger**

- 2.1. The process is triggered when a site that has been assigned an MPRN and:
  - 2.1.1. Is registered to a Shipper from the Supply Point Confirmation date and Xoserve cannot allocate all of the energy consumed to a particular Shipper and/or
  - 2.1.2. Is visited in accordance with section 3.1 and, as a result of this visit, it is believed that the site falls under the classification detailed in section 1.1. The invoicing process as defined in section 6 will only be triggered once the criteria in 2.1.1 is met.
- 2.2. It is not expected that Xoserve should scrutinise each Shipper confirmation to ascertain that whether that site has flowed gas whilst Unregistered.

### **3. Site visits**

- 3.1. The relevant Transporter will be required to visit every site in 12 months of the MPRN being created, where the site has not been registered with a Shipper or has not had the service discontinued, unless informed by a Shipper of the status of the site prior to the visit. This will ensure that all Unregistered

sites consuming gas are identified and safety and integrity of the network is maintained

- 3.2. As part of any site visit, the relevant Transporter will be expected to:
  - 3.2.1. Determine whether the site falls under the scope of this process, as described in section 1.1 and so should be classified as an Unregistered Site.
  - 3.2.2. Where it believes that the site has been offtaking gas, obtain all relevant information to enable it to estimate the consumption of the site.
- 3.3. The Transporter must provide the information referred in section 3.2 to Xoserve within 10 business days of the visit so that they may determine the amount of Unregistered Gas when the site is confirmed.
- 3.4. Where the organisation who created the MPRN is a Shipper, then the Transporter may seek to recover any reasonable costs incurred in visiting the site.
- 3.5. This process does not preclude the relevant Transporter from recovering its costs incurred under any part of this process from any third party.

#### **4. Estimation of Gas Use**

- 4.1. Xoserve will attempt to determine the gas used by the Unregistered Site ("Unregistered Gas") from the information available to it, as well through discussions with the Shipper or relevant Transporter (as applicable). In the absence of any supporting information, Xoserve may utilise recognised standards to determine gas consumption, such as the CSEP NEXA table for domestic properties, where possible. For the avoidance of doubt, Xoserve is expected to utilise its experience and judgement to make the best estimate of gas utilised – it is not expected to be 100% accurate in all cases.
- 4.2. Once Xoserve has been made aware that a site may have flowed gas whilst Unregistered, if Xoserve believes it has insufficient information to adequately determine the level of Unidentified Gas, then it may request a site visit, which may be charged for under section 3 by the Transporters, which will be undertaken as soon as possible.
- 4.3. Xoserve will calculate the Unregistered Gas within 40 business days where confirmation has occurred.
- 4.4. The Shipper or the Transporter may provide at any time an estimate of Unidentified Gas at the site, prior to the deadline for calculating the site's consumption. Xoserve will have sole discretion on whether to accept the estimate provided.
- 4.5. Unidentified Gas will be determined using the following mechanisms:
  - 4.5.1. Where possible, from Meter Readings obtained through any site visit or from the customer (with appropriate CVs or other conversion measurements applied).
  - 4.5.2. Where sufficient Meter Readings are not available the estimate will be determined from any information available through investigation all relevant industry parties, including meter asset manager. The investigation should also consider other relevant factors such as the size of the property, meter installation date, nature of gas use etc.
- 4.6. In all cases, the organisation providing the Unidentified Gas estimation will use all reasonable endeavours to estimate the total consumption at the site applicable to this process.

- 4.7. If it is determined that the site has not consumed any gas during the period it was an Unregistered Site, then Xoserve will not be expected to undertake any further activity with regard to that site.

## **5. Calculation of Gas Cost**

- 5.1. The Gas Cost calculation process for the purposes of attributing the Unregistered Gas will only seek to determine the costs for Energy and will not be extended to Transportation charges.
- 5.2. The total cost of the Unregistered Gas ("Unregistered Gas Cost") will be determined by multiplying the Unregistered Gas for that each day for the site by the applicable daily SAP rate as determined by the period of unallocated gas.

## **6. Unregistered Gas Charges**

- 6.1. Xoserve will generate an adhoc invoice to recover the cost identified in section 5 at M+2 following calculation referenced in 4.3 above.
- 6.2. The Unregistered Gas Cost will be recovered from the organisation that prompted the creation of the MPRN (the Shipper or the relevant Transporter) at the next available opportunity by Xoserve, subject to section 6.1.
- 6.3. All payments will be paid into a neutrality pot ("The Unregistered Site neutrality pot"), which will be managed by National Grid NTS.

## **7. Process for when a Shipper has provided the meter fix date**

- 7.1. G7.3.7 currently allows for a Shipper to be assigned a site's consumption back to the Meter Fix Date, where the same Shipper supplies the Meter Fix Date as well as the Supply Point Confirmation.
- 7.2. For LSP MP where:
- 7.2.1. The Shipper did not provide the Meter Fix Date, it may use the process detailed in G7.3.7 to have a site's consumption backdated to the Meter Fix Date, providing that suitable meter readings (which may be an estimate) are provided to reflect the site's consumption over that period.
- 7.2.2. The Shipper did not provide the Meter Fix Date, then the confirming Shipper may choose the day after the MPRN creation date to be a "virtual meter fix date" to which gas consumption will be backdated to, again providing suitable meter readings (which may be an estimate) to reflect the site's consumption over that period.
- 7.3. For SSP Meter Points where:
- 7.3.1. The Shipper may provide the Meter Fix Date in order to have a site's consumption allocated to the Meter Fix Date (i.e. use the process detailed in G7.3.7), using the MP AQ defined at MP Creation to allocate the site's consumption over that period.
- 7.3.2. Where the Shipper is not responsible at the Meter Fix Date, then the confirming Shipper may define the day after the MPRN creation date to be a "virtual meter fix date" to which gas consumption will be allocated to, using the MP AQ defined at MP Creation to allocate the site's consumption over that period.
- 7.4. A Shipper must use all reasonable endeavours to notify Xoserve of the Meter Fix Date along with the associated Meter Fix Reading if it is available to them.

## **8. Unregistered Gas Charges Redistribution**

- 8.1. All monies contained within the Unregistered Site neutrality pot will be distributed on a monthly basis, at the same time as AUGER charges are levied on Shippers.
- 8.2. The Unregistered Gas Charges will be distributed amongst Shippers in accordance with their User SPC Aggregate AQ Proportion for the Smaller SPC class (as determined in accordance with TPD E10.5).

### **Modification 0410A**

Modification of the UNC is required as follows:

1. Users will be obliged to ensure that Suppliers contracted to them do not commission or procure the installation of a Supply Meter at a New Supply Meter Point in the absence of a supply contract (to be in force on and from the date of installation of the Supply Meter) with the relevant consumer.
  - The User will warrant such to the Transporter.
2. The Transporter will take measures to identify New Supply Meter Points where a Meter Point Reference Number (MPRN) has been created (whether by the Transporter/UIP or a User) but which have been unregistered for a period of >12 months after the date of implementation of this Modification Proposal.
  - For such New Supply Meter Points the Transporter will check industry data sources for evidence of activity which may indicate that gas is capable of flowing. These will include checking connections records, attempted confirmation/registration, RGMA data flows and Connection & Disconnection regulations notifications.
3. Where the Transporter identifies or becomes aware that a Supply Meter has been installed at a New Supply Meter Point at the request of a Supplier (this may be through site visits by emergency or maintenance engineers, attempted confirmations, RGMA data and Connection & Disconnection regulations notifications) and the corresponding Supply Point has not been registered by the relevant User within a period of 3 months;
  - The Transporter will undertake proactive measures which may include checking industry data sources or contact with the consumer to establish the source of the request to install the Supply Meter.
  - The Transporter will notify the relevant User of the absence of a Supply Point registration.
  - In the event the relevant User warrants that their Supplier did not request installation of the Supply Meter, the Transporter will proceed in accordance with (11)
  - In the event that the relevant User cannot be identified, the Transporter will contact the Supplier to ascertain the identity of the preferred User.
  - Where it has been necessary to undertake a site visit for the purposes of validating the presence of a Supply Meter or for any reason which may be associated with the Supplier's request made under (3) any reasonable costs incurred may be levied to the relevant User.

4. The relevant User will be required within 1 calendar month to confirm or otherwise to the Transporter that a supply contract is in place between their Supplier and the relevant consumer.
5. Where the User confirms to the Transporter that a supply contract exists or a response is not received by the Transporters in accordance with (4) the relevant User will be required to register the relevant Supply Point within 1 calendar month of being notified by the Transporter that a Supply Meter has been installed at the request of the User's Supplier.
6. In the event that such registration does not occur in accordance with (5) the Transporter will within 1 calendar month register the relevant Supply Point on the Users' behalf.
7. Relevant Transportation and Energy charges will be retrospectively charged to the relevant User to the point of Supply Meter installation (the Meter Fix Date).
  - o The Meter Fix Date may be identified by interrogating RGMA data and Connection & Disconnection regulations notifications.
  - o For the avoidance of doubt, Transportation and Energy charges will only be retrospectively charged to the relevant User if their supplier instigated the Supply Meter installation (the Meter Fix Date).
8. In the event that a breach of the UNC has occurred contrary to (1) and the relevant User has notified the Transporter in accordance with (4) above that a supply contract does not exist between its Supplier and the consumer, the relevant User will either:
  - o ensure that within 1 calendar month its Supplier procures a supply contract with the consumer and register the relevant Supply Meter Point. Note: the relevant User must advise the Transporter of this intended action as part of the above notification.
  - o take steps to seek removal of the Supply Meter within 1 calendar month.
9. In the event that a Supplier procures a supply contract, but registration in accordance with (8) does not occur, the Transporter will register the relevant New Supply Meter Point on the Users' behalf within 1 calendar month.
10. In the event the relevant User is unable to ensure its Supplier procures a supply contract or secure such Supply Meter removal the User will notify the Transporter providing a full explanation of the circumstances under which a Supply Meter was provided and installed in the absence of a supply contract.
  - o The Transporter will record all relevant details and provide a report twice yearly to the Authority.
  - o The Transporter will also provide a non-anonymised twice yearly report detailing breaches of the UNC contrary to (1) covering instances where a relevant User has not registered the Supply Meter Point in which a Supply Meter was fitted by its Supplier; the report will be issued to the Authority and all Users.
11. Where the Transporter identifies or becomes aware that a Supply Meter has been installed at a New Supply Meter Point but has no reasonable evidence that this was done at the request of a Supplier and the corresponding Supply Point has not been registered by a User within a period of 3 calendar months the Transporter will within 3 calendar months:
  - o Investigate whether the consumer has sought or procured a supply contract.

- Where such a contract does not exist, advise the consumer to obtain a supply contract as soon as possible.
  - Where a consumer fails to obtain a supply contract the Transporter will in normal circumstances seek to disconnect the supply of gas to the consumer. This will be subject to consideration being given to any applicable legislation, regulation or code of practice that requires the Transporter to do otherwise. Transporters will undertake actions pertaining to treatment of unregistered and shipperless sites in a manner consistent with the relevant prevailing Codes of Practice.
  - Where the consumer confirms they have obtained a supply contract, the Transporter will contact the relevant User for confirmation that a supply contract is in place.
  - If the User confirms a supply contract is in place they will be required to register the relevant New Supply Point within 1 calendar month of notification by the Transporter.
  - In the event that such registration does not occur, the Transporter will within 1 calendar month register the relevant New Supply Meter Point on the Users' behalf.
  - In the event that the relevant User warrants that a supply contract is not in place, the Transporter will advise the consumer, requesting they obtain a supply contract as soon as possible.
  - In the event that the relevant User cannot be identified, the Transporter will contact the Supplier to ascertain the identity of the preferred User.
12. Where a consumer fails to obtain a supply contract the Transporter will in normal circumstances seek to disconnect the supply of gas to the consumer. This will be subject to consideration being given to any applicable legislation, regulation or code of practice that requires the Transporter to do otherwise. Transporters will undertake actions pertaining to treatment of unregistered and shipperless sites in a manner consistent with the relevant prevailing Codes of Practice.
13. Where the Transporter has received a notification in accordance with (10) it will perform the activities in (11 and 12) and will levy its reasonable costs incurred to the relevant User.
14. Where gas is found to be capable of flowing the Transporter will within 1 calendar month take steps (which may include contact with the relevant consumer) to identify whether the consumer has procured a supply contract with a Supplier.
15. Where the consumer confirms they have obtained a supply contract, the Transporter will contact the relevant User for confirmation that a supply contract is in place.
- If the User confirms a supply contract is in place they will be required to register the relevant New Supply Point within 1 calendar month of notification by the Transporter.
16. In the event that such registration does not occur in accordance with (15) the Transporter will within 1 calendar month register the relevant New Supply Meter Point on the Users' behalf.
17. Relevant Transportation and Energy charges will be retrospectively charged to the relevant User to the point of Supply Meter installation (the Meter Fix Date).
18. Where the point of Supply Meter installation (the Meter Fix Date) is unknown, relevant Transportation and Energy charges will be retrospectively charged to the

relevant User from the date the Transporter first became aware that a Supply Meter had been installed in accordance with (3)

19. In the event that the Transporter has made a site visit for the purposes of (14) and a Supplier is found to be present, any reasonable costs incurred may be levied to the relevant User.
20. Where the Transporter identifies that a service pipe has been or is planned to be installed but a Supply Meter is not present and capable of flowing gas the Transporter will continue to monitor the position.

## 4 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.	Potentially Impacted
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 ( <b>0410</b> and <b>0410A</b> )
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.	None
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 (c)**

Some participants consider **Modification 0410** potentially impacts their licence Standard Special Condition D4 requirements to remain neutral to or not to procure energy. However, some participants disagreed, as Transporters do not own title to the energy as it remains within the system for use by the industry.

0410 and 0410A

Draft Modification Report

18 April 2013

Version 1.0

Page 15 of 24

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***Relevant Objective (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.***

Some participants consider **Modification 0410** identifies measures, which serve to mitigate the likelihood of Unregistered Sites. However, a number of participants disagreed, as it does not address the root cause of unregistered sites though it may be an indirect deterrent.

Some participants consider the impact of **Modification 0410** is to promote cost targeting on those organisations that are in a position to resolve unregistered sites by controlling the creation of and monitoring of MPRNs. It mitigates the risks of such costs being otherwise shared by the industry via the RbD and Unidentified Gas processes and therefore furthers competition. However, some participants were concerned that where a Transporter or Shipper has requested the creation of an MPRN it was then exposed to the risk of a subsequent Shipper failing to register the site, e.g. where the consumer requests a gas supply contract from a different party to that creating the MPRN.

Some participants consider this modification will impede competition, as it will discourage some participants from requesting the creation of new MPRNs to the detriment of new connections and consumers. However, some consider this risk can be mitigated by the introduction of appropriate commercial arrangements between the party arranging the creation of the MPRN and the connections company/consumer requesting its creation.

Some Workgroup participants consider **Modification 0410A** identifies measures, which serve to mitigate the likelihood of unregistered sites occurring and proposed remedies where such instances are identified. The impact of this is to promote cost targeting on individual Users and mitigate the risks of such costs being otherwise shared to the Users having Smaller Supply Points (and potentially Larger Supply Points via the AUGÉ mechanism). Such a mechanism must therefore be considered to facilitate competition in the gas market.

Other Workgroup participants were concerned that energy costs recovered by the Transporter would not be sufficient to fund the cost of the process and therefore they would need to recover the additional costs from Shippers and this would not further this relevant objective.

Some participants were concerned that **Modification 0410A** places an obligation on Shippers for the actions of Suppliers with whom they may not have a commercial relationship for a specific MPRN, which has been created at the request of the Supplier, as the framework agreement will not apply until the point of registration. Shippers will not be able to back off their obligations, as a contract will not be in place.



## 5 Impacts and Costs

### Consideration of Wider Industry Impacts

No impacts on other industry developments are anticipated as a result of implementing these modifications.

### Costs

Some participants note that the AUG statement for 2012/13 indicated 704GWh of energy should be allocated to unregistered sites with an estimate cost of £18.66m. Therefore, a 2% recovery rate for unregistered sites will pay for the solution in

#### Modification 0410.

##### Indicative industry costs – User Pays

Classification of the modifications as User Pays or not and justification for classification

**Modification 0410** is proposed to be User Pays. Any costs should be targeted on the responsible party. For example if the Transporter requested the MPRN, then the costs associated with change should be borne by Transporters and the same for Shippers.

**Modification 0410A** is not proposed to be User Pays.

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

**Modification 0410** - Xoserve has previously indicated that for the period October 2011 to September 2012, 80% of new MPRNs were created by Transporters, with the remainder by Shippers. Therefore costs should be split 80:20 Transporter: Shipper.

Development cost range:

**Modification 0410** – solution range £200k to £625k. Ongoing cost per year £225k to £338k

**Modification 0410A** – no additional costs identified to the industry.

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

**Modification 0410** - The charging basis for Shippers will be an allocation of the development costs to each Shipper based upon each Shipper's number of supply points in proportion to the total number of all Shippers' supply points as measured on the date of the implementation of the modification, excluding Unique Sites.

Proposed charge for inclusion in ACS – to be completed upon receipt of cost estimate from Xoserve

TBC

0410 and 0410A  
Draft Modification Report  
18 April 2013

Version 1.0

page 17 of 24

### Impacts

Impact on Transporters' Systems and Process

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Transporters' System/Process	Potential impact
UK Link	<ul style="list-style-type: none"> <li>Changes to Transporters' systems will be required</li> </ul>
Operational Processes	<ul style="list-style-type: none"> <li>Changes will be required</li> </ul>
User Pays implications	<ul style="list-style-type: none"> <li>New User Pays service</li> </ul>



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

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: <http://www.gasgovernance.com/networkcodearchive/551-575/>

Impact on Users	
Area of Users' business	Potential impact
Administrative and operational	The industry will need to find a mechanism whereby the Shippers and Transporters are assigned costs associated with gas consumed at Unregistered Sites.

Impact on Transporters	
Area of Transporters' business	Potential impact
Development, capital and operating costs	<p><b>0410</b> - It is expected that Transporters will undertake more site inspections to avoid incurrence of costs.</p> <p><b>0410A</b> - Medium level implementation costs would be incurred by Transporters as a consequence of implementing this modification.</p>
Contractual risks	<b>0410</b> - Transporters may need to adjust their siteworks contract to avoid incurring costs through this process.

Impact on Code	
Code section	Potential impact
Section G 3.8	<b>0410</b> - Disablement of supply – can be expanded to cover the investigation and disconnection process.
Section G 7.2.2 and 7.3.3	<b>0410</b> - Expand to give Transporters responsibility for gas off-taken following a siteworks new connection where no Shipper is in place.

0410 and 0410A  
Draft Modification Report  
18 April 2013

Version 1.0

Page 18 of 24

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## 6 Implementation

### Implementation for Modification 0410:

01 December 2013 if a decision is received after 01 April 2013 and prior to or on 01 June 2013

- 01 April 2014 if a decision is received after 02 June 2013 and prior to or on 01 October 2013
- If a decision is received after 01 October 2013 implementation should on the following 01 April that is at least 6 months after the decision date.
- Note: The modification will not be effective for the first 12 months following implementation.

### Implementation for Modification 0410A:

Systems changes are likely to be necessary to facilitate implementation of this modification. As part of its development, consideration will need to be given to identifying an optimum timetable for implementation. Consequently an implementation date is not identified at this point.

The proposed changes would have a prospective effect only and would not apply to any 'backlog' of unregistered sites, which currently exists. For the avoidance of doubt no charges identified within this modification would be retrospectively applied to any User in respect of any period prior to the implementation date nor would any re-registration of the Relevant User in respect of a Supply Point be required in respect of any period prior to the implementation date.

## 7 Legal Text

### Text for Modification 0410

#### Transportation Principal Document – Section G

Insert new section G.7.3.8

"7.3.8

- (a) Where following a period of 12 months from the creation of a Supply Meter Point Reference Number, other than at the request of a User, in respect of a Supply Meter Point pursuant to paragraph 7.3.1 a Supply Point Confirmation has not been made, or treated as made in accordance with the Code and the Supply Meter Point does not have a Registered User, **or** when in respect of such a Supply Meter Point a Supply Point Confirmation is then made then the provisions of this section shall apply.

- (b) The Transporter shall, as soon as reasonably practicable, arrange for a site visit to be carried out for the purpose of ascertaining whether the Supply Meter Point falls within the scope of this paragraph; whether the Supply Meter Point is connected to the LDZ network; whether a meter has been fixed at the relevant offtake point; whether gas is capable of being offtaken at the Supply Meter Point and if so whether there is any evidence of gas having been offtaken.
- (c) Within 40 business days following such a visit where evidence of gas having been offtaken is obtained the Transporter shall, from all information reasonably available to it, seek to estimate the quantity of gas (the "Unregistered Offtake Quantity") that may have been offtaken from the Supply Meter Point from the point of creation of the MPRN to the date of the site visit, the "Unregistered Offtake Period".
- (d) Having established the Unregistered Offtake Quantity the Transporter shall then calculate the value of the Unregistered Offtake Quantity which shall be referred to as the Unregistered Gas Amount as follows:  

$$UOA = UOQ * UOPSAP$$
Where UOPSAP is the arithmetic average of the values of the System Average Price for the each of the days of the Unregistered Offtake Period.
- (e) A Unregistered Offtake Amount that relates to a Supply Meter Point where the MPRN was created by a User shall be dealt with as described in paragraph 7 below, whereas all other UOQ shall be dealt with as described in paragraphs 8-9 below.
- (f) For the purposes of this paragraph 7.3.8, for each LDZ, for each User, for each Reconciliation Billing Period, the User Unregistered Offtake Amount Proportion shall be the User Aggregate Smaller Supply Point AQ divided by the Aggregate LDZ Smaller Supply Point AQ.
- (g) Where the Unregistered Offtake Amount is in relation to a site where the MPRN was created by a User, the Unregistered Offtake Amount shall be payable by way of an adjustment by the User to National Grid NTS and shall at the point at which the Supply Point Confirmation is made be invoiced and payable in accordance with Section S. The sum received from the User shall be included within the UOQ Pot for that LDZ.
- (h) In respect of all other Unregistered Offtake Amounts arising within an LDZ such sums shall at the point at which the Supply Confirmation Point is confirmed, fall into the prevailing reconciliation Billing Period and be added to the UOQ Pot for that LDZ.
- (i) The aggregate Unregistered Offtake Amount for an LDZ in a reconciliation period shall be multiplied by a Users Unregistered Offtake Amount Proportion to determine the Users Unregistered Offtake Value.
- (j) The Users Unregistered Offtake Value for a Billing period shall be payable by way of an adjustment invoice to the User by National Grid NTS and shall be invoiced and payable in accordance with Section S. NTS shall be

entitled to invoice the relevant Transporter for the Users Unregistered Offtake Value in respect of the relevant LDZ.

- (k) Where a Transporter carries out a site visit under paragraph 7.3.8 the User shall be liable for all reasonable cost incurred by the relevant transporter in accordance with Siteworks Terms and Procedures (as defined in Section G7.2.2).

## **Text for Modification 0410A**

### TPD Section G Supply Points

#### ***Insert paragraph 2.12 as follows:***

#### **2.12 Unregistered New Supply Meter Points**

- 2.12.1 Each User warrants to the Transporter that it will not (and where the User will not be the supplier) its supplier will not install or procure the installation of a Supply Meter at a New Supply Meter Point without first having a Supply Contract in place with the consumer. *[BR1]*
- 2.12.2 Each Transporter will from time to time identify any new Supply Meter Point Reference Numbers for which there has been no First Supply Point Registration Date in accordance with paragraph G7.3.4 for a period greater than 12 calendar months since the Supply Meter Point Reference Number was created and where the Transporter has evidence of a Supply Meter being in place which is capable of flowing gas the Transporter will take steps to establish who requested installation of the Supply Meter which may include making enquiries of the consumer. *[BR2]*
- 2.12.3 Pursuant to paragraph 2.12.2 where the Transporter obtains information that a supplier requested the installation of the Supply Meter and the User subsequently confirms this the Transporter will notify the relevant User that no Supply Point Registration is in place at the New Supply Meter Point and:
- (a) where the User confirms that a Supply Contract is in place between the supplier and consumer or does not respond within 1 calendar month of being notified by the Transporter the relevant User will register such New Supply Meter Point in accordance with paragraph 2 or take steps to remove the Supply Meter within 1 calendar month, failing which the provisions of paragraph 2.12.4 shall apply; or
- (b) where the User confirms within 1 calendar month that no Supply Contract exists between the supplier and consumer the User shall ensure the supplier procures a supply contract with the consumer and will register such New Supply Meter Point in accordance with paragraph 2 or procure removal of the Supply Meter within 1 calendar month. *[BR3/4/5]*
- 2.12.4 Where the User does not comply with the obligation to register such New Supply Meter Point in accordance with paragraph 2.12.3 (a) or (b) or 2.12.9 (a) the User shall be deemed to have granted the Transporter authority to register such New Supply Meter Point on its behalf and:
- (a) the First Supply Point Registration Date shall be deemed to be the Meter Fix Date or if this is not known the date the Transporter first became aware that a Supply Meter had been installed; and

- (b) for the purposes of calculating the Opening Meter Reading the Transporter shall use the Meter Reading taken at the time the Transporter identifies that the Supply Meter is physically connected to a System such that gas is capable of being offtaken (without further action being taken) from the Total System. *[BR6/8/9/11]*

2.12.5 The Registered User pursuant to 2.12.3, 2.12.4 or 2.12.9 (a) shall be liable for:

- (a) all reasonable costs incurred by the relevant Transporter in accordance with the Siteworks Terms and Procedures (as defined in Section G7.2.2) where the relevant Transporter undertakes a visit for reasons including validating the presence of a Supply Meter or to carry out a disconnection in accordance with the Gas Safety (Installation and Use) Regulations 1998 and where the Supply Meter remains connected to a System such that gas is capable of being offtaken (without any further action being taken) from the Total System; and
- (b) all reasonable costs incurred by the relevant Transporter in discharging its obligations under paragraph 2.12; and
- (c) all charges (including without limitation Transportation Charges and Energy Balancing Charges) associated with such New Supply Meter Point from the Meter Fix Date or if this is not known the date the Transporter first became aware that the Supply Meter had been installed.
- (d) Where the Registered User is liable for any charges in accordance with (c) above:
  - (i) in respect of Energy Balancing Charges for Larger Supply Points, a reconciliation will be carried out in accordance with Section E6 and applied to the aggregate reconciliation process in accordance with Section E7.2; and
  - (ii) in respect of Energy Balancing Charges and any relevant Transportation Charges for Smaller Supply Points, the Aggregate LDZ AQ shall be adjusted in accordance with Section E7.7.

*[BR7]*

2.12.6 In the event that the User does not comply with the obligation to register such New Supply Meter Point in accordance with paragraph 2.12.3(b) because it is unable to ensure its supplier procures a Supply Contract or the removal of the Supply Meter, the User shall submit a report to the Transporter detailing the circumstances in which a Supply Meter was installed without a Supply Contract being in place and any subsequent action the User has taken to try to rectify this. *[BR10/13]*

2.12.7 Each Transporter will keep a record of any reports it receives under paragraph 2.12.6 and submit a report twice yearly:

- (a) to the Authority giving details of the reports received from each User (on an attributable basis); and
- (b) to the Authority and all Users of the number of incidences where a User has not complied with paragraph 2.12.1 (on an attributable basis). *[BR10]*

2.12.8 Further to paragraph 12.2.2, in the event that either:

- (a) the User confirms that the supplier did not request installation of the Supply Meter and the relevant New Supply Meter Point has not been registered by a User within 3 calendar months of the Transporter becoming aware that a Supply Meter has been installed at a New Supply Meter Point; or

0410 and 0410A

Draft Modification Report

18 April 2013

Version 1.0

Page 22 of 24

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- (b) the User confirms that the supplier did request installation of the Supply Meter and the User has taken steps in accordance with paragraph 2.12.3 (b) to try and ensure the supplier procures a Supply Contract with the consumer but no Supply Contract is in place and the User has been unable to procure removal of the Supply Meter,

then the provisions of paragraph 2.12.9 shall apply.

2.12.9 The Transporter will within 3 calendar months advise the consumer to obtain a Supply Contract and:

- (a) if the consumer confirms that a Supply Contract is already in place and the relevant User verifies this then the relevant User shall register such New Supply Meter Point in accordance with paragraph 2 within 1 calendar month of being notified to do so by the Transporter failing which the provisions of paragraph 2.12.4 shall apply; or
- (b) if the consumer does not enter into a Supply Contract or the Transporter is unable to ascertain whether a Supply Contract is in place then the Transporter shall seek to disconnect the supply of gas to the consumer subject to any applicable legislation, regulation or Code of Practice.

## 8 Recommendation

The Panel have determined that this report is issued to consultation and all parties should consider whether they wish to submit views regarding these modifications. Views would be particularly welcome on whether neither, one or both of these modifications should be implemented, together with reasons for the view expressed.

# 9 Appendix 1 (Modification 0410A)

