

MODIFICATION 0565 VERSION

GT SECTION D – ANNEX D-2

COMMITTEE REPRESENTATIVES

1 Defined terms

1.1 For the purposes of this Annex D-2:

- (a) **"Appointment Year"** means the period from 1 October in any year until and including 30 September in the following year;
- (b) **"Nominating Shipper User"** means:
 - (i) a Shipper User; or
 - (ii) where there is more than one relevant Shipper User in a Shipper User Group, a Shipper User which has been authorised by all Shipper Users in that group to act on their behalf under this Annex D-2;
- (c) **"Relevant Date"** means 30 June in Appointment Year Y-1;
- (d) **"Shipper User Group"** means a Shipper User, and where another Shipper User is a fifty percent (50%) Affiliate of the Shipper User, such Shipper Users taken together, and in relation to a Shipper User Group:
 - (i) a **"relevant"** Shipper User is a Shipper User belonging to the Shipper User Group;
 - (ii) the **"relevant"** Class is the Class to which the Shipper User Group (and its Nominating Shipper User) belongs.

2 Shipper User Representatives

2.1 Classes of Shipper User Groups

2.1.1 A Shipper User Group is in **Class A** if at the Relevant Date the number of Supply Points in respect of which a relevant Shipper User is the Registered User exceeds, in aggregate, one million (1,000,000).

2.1.2 A Shipper User Group is in **Class B** if at the Relevant Date:

- (a) it is not a Class A Shipper User Group; and
- (b) in respect of Supply Points in relation to which a relevant Shipper User is the Registered User, not less than fifty per cent (50%) of such Supply Meter Points comprised in such Supply Points are assigned a Market Sector Code indicating the Supply Point Premises are Non-domestic Premises.

2.1.3 A Shipper User Group is in **Class C** if it is not in Class A or in Class B.

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2.2 Appointment

2.2.1 For each Appointment Year (Y) the Shipper User Representatives shall be appointed in accordance with this paragraph 2.2.

2.2.2 Subject to the further provisions of this paragraph 2.2, the Shipper User Representatives for each DSC Committee shall be appointed as follows:

- (a) two (2) representatives shall be appointed by Shipper User Groups in Class A;
- (b) two (2) representatives shall be appointed by Shipper User Groups in Class B;
- (c) two (2) representatives shall be appointed by Shipper User Groups in Class C.

2.2.3 For each Appointment Year (Y), and for each DSC Committee a Shipper User Group may nominate one (1) individual as a candidate ("**Candidate**") for election as a representative of the relevant Class, in accordance with paragraph 2.2.4.

2.2.4 For each Shipper User Group and for each DSC Committee, the Nominating Shipper User shall submit to the Code Administrator:

- (a) the name of the Candidate (if any) nominated by it (together with evidence of the Candidate's willingness to act as a representative) by no later than 21 July in Appointment Year Y-1; and
- (b) at the same time, a declaration that either:
 - (i) the Nominating Shipper User is the only Shipper User in the relevant Shipper User Group; or
 - (ii) the Nominating Shipper User is authorised by all Shipper Users in the relevant Shipper User Group to act on their behalf for the purposes of this Annex D-2, and such declaration shall identify the names of all Shipper Users in the Shipper User Group;

and a Shipper User Group for which a submission is not made under this paragraph 2.2.4 shall not participate further in the appointment process for the relevant Appointment Year.

2.2.5 Following receipt of nominations under paragraph 2.2.4:

- (a) the Code Administrator shall send to the CDSP the details of Shipper User Groups submitting a nomination pursuant to paragraph 2.2.4;
- (b) the CDSP shall determine and notify to the Code Administrator the Class in which each Shipper User Group falls (in accordance with paragraph 2.1).

2.2.6 By no later than 31 July in Appointment Year Y-1 the Code Administrator shall:

- (a) notify each Nominating Shipper User of:
 - (i) the Class in which the Nominating Shipper User's Shipper User Group falls;
 - (ii) the names of all Candidates nominated by Shipper User Groups in the relevant Class; and

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- (b) where the number of Candidates for a Class is greater than two (2):
 - (i) invite each of the Nominating Shipper Users in the relevant Class to vote for three (3) of the Candidates;
 - (ii) notify the Nominating Shipper Users of the date by which votes are to be submitted to the Code Administrator for the purposes of paragraph 2.2.8(d).

2.2.7 Where paragraph 2.2.6(b) applies in respect of a Class, each Nominating Shipper User in such Class shall vote, by written notice to the Code Administrator (in such form as the Code Administrator may require) submitted by no later than the date referred to in paragraph 2.2.6(b)(ii), for three (3) of the Candidates for the relevant Class.

2.2.8 For each DSC Committee, and for each Class of Shipper User Group, the Shipper User Representatives shall be appointed as follows (where **ANC** is the aggregate number of Candidates for such DSC Committee and Class):

- (a) if ANC is zero (0), then paragraph 2.2.9 applies;
- (b) if ANC is one (1), then the single Candidate will be appointed as a Shipper User Representative, and will hold two (2) votes as provided in GT Section D4.3.1;
- (c) if ANC is two (2), then the two Candidates are appointed as the Shipper User Representatives; or
- (d) if ANC is greater than two (2), then the two Candidates with the highest number of votes are appointed as the Shipper User Representatives.

2.2.9 Where this paragraph 2.2.9 applies in relation to a Class, the following applies for each other Class ("**Other Class**"):

- (a) for each (if any) Other Class for which ANC is not less than three (3) the Candidate in such Other Class with the third (3rd) highest number of votes is appointed as an additional Shipper User Representative of that Other Class;
- (b) for each Other Class for which ANC is less than three (3):
 - (i) where two (2) Shipper User Representatives have been appointed for such Other Class, one of such Shipper User Representatives will hold two (2) votes as provided for in GT Section D4.3.1, and the Code Administrator shall pick the relevant individual at random;
 - (ii) one (1) Shipper User Representative has been appointed, such Shipper User Representatives will hold three (3) votes as provided for in GT Section D4.3.1.

2.2.10 Where for the purposes of making an appointment under paragraphs 2.2.8(d) or 2.2.9(a) two (2) or more Candidates hold an equal number of votes ("**relevant**" Candidates) the Code Administrator shall notify Nominating Shipper Users in the relevant Class of the names of the relevant Candidates and invite each Nominating Shipper User to vote for one of the relevant Candidates (following which vote an appointment will be made in accordance with paragraph 2.2.8(d) or 2.2.9(a) or a further invitation made in accordance with this paragraph 2.2.10).

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3 Transporter Representatives

3.1 NTS Representatives

3.1.1 National Grid NTS shall appoint two (2) representatives to each DSC Committee by notice to the Code Administrator.

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3.2 DNO Representatives

3.2.1 The DN Operators collectively shall appoint two (2) representatives to each DSC Committee and shall authorise one DN Operator to notify the representatives to the Code Administrator by way of a notice signed by each of the DN Operators.

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3.2.2 In respect of each DSC Committee those DN Operators who at the Relevant Date operate LDZ(s) with:

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(a) four million (4,000,000) or more Supply Points will appoint one (1) representative;

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(b) less than four million (4,000,000) Supply Points will appoint the other representative.

3.3 IGT Representatives

3.3.1 The Association of Independent Gas Transporters (**AIGT**) shall appoint two (2) representatives to each DSC Committee by notice to the Code Administrator.

3.3.2 In the event the AIGT:

- (a) only appoint one (1) representative, then the individual nominated will be appointed as an IGT Representative, and will hold two (2) votes as provided in GT Section D4.3.1;
- (b) appoint no representatives, National Grid NTS, and the DN Operators collectively, shall each appoint one (1) additional representative.

4 Appointment

4.1 National Grid NTS shall not later than 1 September in Appointment Year Y-1, notify the Committee Secretary of the identity of the individual to be appointed as the NTS Representative for Appointment Year Y.

4.2 The DN Operators shall not later than 1 September in Appointment Year Y-1, notify the Committee Secretary of the identity of the individuals to be appointed as the DNO Representatives for Appointment Year Y.

4.3 The AIGT shall not later than 1 September in Appointment Year Y-1, notify the Committee Secretary of the identity of the individuals to be appointed as the IGT Representatives for Appointment Year Y.

5 Retirement and ceasing to be a representative

5.1 Each Committee Representative on each DSC Committee shall retire on the 31 September in Appointment Year Y; and a retiring Committee Representative shall be eligible for re-appointment.

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- 5.2 Where a Shipper User Representative ceases to be employed or engaged by a Shipper User Group in the Class in respect of which the Shipper User Representative was appointed, the relevant Shipper User Representative shall be deemed to retire, and it shall be the responsibility of the relevant Shipper User Group to notify the Committee Secretary of the Shipper User Representative's effective date of retirement.
- 5.3 If any Committee Representative shall for whatever reason (other than retirement pursuant to paragraph 5.1 or 5.2) notify the Committee Secretary that he wishes to cease to be a Committee Representative, he shall cease to be a Committee Representative in accordance with the notice.
- 5.4 Where the Committee Secretary is notified under paragraphs 5.2 or 5.3 the Committee Secretary shall inform, in due course, any relevant persons determined by the Committee Secretary.

6 Notices

- 6.1 Each individual who is to be appointed as a Committee Representative shall be entitled to receive notice of any meeting of the relevant DSC Committee which is to take place after the date from which their appointment is effective .
- 6.2 Any Committee Representative who is, pursuant to paragraph 5.1 or 5.2 to retire (and who is not re-appointed) shall not be entitled to receive notice of any meeting of the relevant DSC Committee which is to take place after the date from which their retirement is effective.

7 Vacancies

- 7.1 Subject to paragraph 8.2, where pursuant to paragraphs 5.1, 5.2 or 5.3 or otherwise, a vacancy shall arise, in the case of:
- (a) a Shipper User Representative, a replacement shall be appointed as a Shipper Users Representative for the relevant Class in accordance with paragraph 2.2;
 - (b) a NTS Representative, National Grid NTS shall, by notice to the Committee Secretary, identify another individual to be appointed as a NTS Representative;
 - (c) a DNO Representative, the relevant DN Operator shall notify the Committee Secretary of the identity of a replacement to be appointed as a DNO Representative;
 - (d) an IGT Representative, the AIGT may, by notice to the Committee Secretary, identify another individual to be appointed as an IGT Representative.

8 Alternates

- 8.1 A Committee Representative may only appoint an alternate who is an existing Committee Representative with the agreement of the Committee Chairperson.
- 8.2 Where a Committee Representative with an appointed alternate is deemed to retire under paragraph 5.2 or ceases to be a Committee Representative under paragraph 5.3, such alternate shall be appointed as the replacement Committee Representative until the end of the relevant Appointment Year.

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