

UNIFORM NETWORK CODE – TRANSITION DOCUMENT

PART IIC – TRANSITIONAL RULES

Insert new paragraph 16 in Transition Document Part IIC (Transitional Rules) as follows:

16. TRANSITIONAL SMALLER SUPPLY METER POINT AQ APPEALS

16.1 In respect of the first SSMP AQ Appeal Submission Cap notified by the Transporter to each User:

16.1.1 TPD Section G1.6.13(e) shall not apply;

16.1.2 the provisions of this paragraph 16 shall apply; and

16.1.3 any reference to TPD Section G1.6.13(e) shall be read as a reference to paragraph 16.2.

16.2

16.2.1 For the purposes of this paragraph 16.2:

16.2.2 The SSMP AQ Appeal Submission Cap is the maximum number of appeals (as determined in accordance with paragraph 16.2.4) that a User may submit pursuant to TPD Section G1.6.13(b)(iii) (“Smaller Supply Meter Point AQ Appeals”) during any calendar month falling within the period from and including 1 October in the relevant Gas Year up to and including 31 May in the relevant Gas Year.

16.2.3 A notification shall be issued by the Transporter to each User by no later than the 11th Business Day of the second month following the date that Modification Proposal 0450 is implemented setting out the monthly SSMP AQ Appeal Submission Cap which shall apply in respect of Smaller Supply Meter Point AQ Appeals submitted by the User during the period from and including the first Business Day of the month following that in which notification is made up to and including 31 January or 31 May in the relevant Gas Year (whichever occurs first).

16.2.4 The SSMP AQ Appeal Submission Cap for each User for any calendar month during the period from and including 1 October in the relevant Gas Year up to and including 31 May in the relevant Gas Year shall be:

(a) for a User who is the Registered User of less than the Prescribed Number of Smaller Supply Meter Points, the number of Smaller Supply Meter Points for which the User is the Registered User as at the 1st Business Day of the next month following the date that Modification Proposal 0450 is implemented; or

(b) for a User who is the Registered User of the Prescribed Number or more than the Prescribed Number of Smaller Supply Meter Points:

(i) the Prescribed Number; plus

(ii) the SSMP Market Share AQ Appeal Pool multiplied by the

percentage of all registered Smaller Supply Meter Points held by all Users for which the User is the Registered User as at the 1st Business Day of the month following the date that Modification Proposal 0450 is implemented;

For the purposes of this paragraph 16.2:

- (iii) the “Prescribed Number” shall be fifty (50); and
- (iv) the “SSMP Market Share AQ Appeal Pool” shall be calculated on the 1st Business Day of the month following the date that Modification Proposal 0450 is implemented by subtracting the aggregate number of appeals allocated to all Users pursuant to paragraph 16.2.4(a) and the aggregate number of appeals allocated to all Users pursuant to paragraph 16.2.4(b)(i) from 20,000.

16.2.5 The Transporters will not be obliged to process any Smaller Supply Meter Point AQ Appeal submitted by a User in excess of the SSMP AQ Appeal Submission Profile Cap notified by the Transporter pursuant to paragraph 16.2.3.

16.2.6 Where, in respect of any Smaller Supply Meter Point, the Registered User notifies the Transporter that it is appealing the Annual Quantity in accordance with TPD Section G1.6.13(b)(iii) the Registered User shall warrant that:

- (a) in reviewing the Annual Quantity it has applied a methodology that:
 - (i) is consistent to all Smaller Supply Meter Points for which it is the Registered User; and
 - (ii) does not materially differentiate in its treatment of Smaller Supply Meter Points where the Registered User’s reasonable estimate of the Annual Quantity is less than the Annual Quantity and Smaller Supply Meter Points where the Registered User’s reasonable estimate of the Annual Quantity is greater than the Annual Quantity; and
- (b) it has notified the Transporter of all Annual Quantity appeals resulting from the application of the methodology referred to in sub-paragraph (1) above that satisfy the requirements set out in TPD Section G1.6.13(b)(iii) insofar as this is permissible taking account of the relevant SSMP AQ Appeal Submission Cap.

UNIFORM NETWORK CODE – TRANSPORTATION PRINCIPAL DOCUMENT

Amend TPD Section G (Supply Points) paragraph 1.6.13 as follows:

(Note: TPD Section G paragraphs 1.6.12 and 1.6.14 are not amended but are provided for context.)

1.6.12 The Transporter shall not later than 14 September in the preceding Gas Year notify to the Registered User the Annual Quantity for each Supply Meter Point for the relevant Gas Year and the applicable End User Category (where appropriate) in respect of each Supply Point.

1.6.13 Where following the notification of the Annual Quantity further to paragraph 1.6.12:

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- (a) in respect of any Larger Supply Meter Point, the Registered User may not later than 31 July of the relevant Gas Year (or in the case of Larger Supply Meter Points under paragraph 1.6.11, 23 Business Days after the Supply Point Registration Date during the Effective Period) notify the Transporter that the Registered User considers that the Annual Quantity of that Supply Meter Point fails to satisfy the requirement in paragraph 1.6.6 either:
 - (i) on the basis of substantial evidence as to the actual consumption of gas; or
 - (ii) because of a change in the Consumer's Plant which results in a change in the basis on which gas is consumed;
- (b) notwithstanding the Registered User's right to appeal in paragraph (a), in respect of any Larger Supply Meter Point, the Registered User may not later than 31 July in the relevant Gas Year in respect of paragraphs (i) and (ii) and not earlier than 1 October and not later than 31 May in the relevant Gas Year in respect of paragraph (iii) notify the Transporter that the Registered User considers that the Annual Quantity of a Supply Meter Point fails to satisfy the requirement in paragraph 1.6.6 provided that the Registered User may only so notify the Transporter in the case of:
 - (i) a Larger Supply Meter Point where the Registered User's reasonable estimate of the Annual Quantity, is equal to or less than 50% of the Annual Quantity or is equal to or greater than 200% of the Annual Quantity; ~~and~~
 - (ii) a Smaller Supply Meter Point, where the User considers that it should be a Larger Supply Meter Point; ~~and~~
 - (iii) subject to paragraph 1.6.13(e), a Smaller Supply Meter Point where the Annual Quantity is equal to 1kWh and the Registered User's reasonable estimate of the Annual Quantity is anything other than 1kWh, or where the Annual Quantity of the Smaller Supply Meter Point is anything other than 1kWh and the Registered User's reasonable estimate of the Annual Quantity is either:
 - (1) equal to or less than 80% of the Annual Quantity; or
 - (2) equal to or greater than 120% of the Annual Quantity; or
 - (3) at least 4000kWh greater or lesser than the Annual Quantity.
- (c) where a Registered User so notifies the Transporter:
 - (i) pursuant to paragraph (a)(i) or paragraph (b) and the Registered User shall with such notice provide to the Transporter details as set out in paragraph 1.6.5 together with the Registered User's reasons or evidence for its view and a reasonable estimate of the quantity or (as the case may be) value which the Registered User considers should be the Annual Quantity or such variable of such Supply Meter Point; and in the case of paragraph (a)(i) in respect of a Larger Supply Point with an Annual Quantity greater than 293,000 kWh (10,000 therms) where a change of gas supplier has occurred, such details may be provided to the Transporter by use of the table in the format specified in Annex G3;
 - (ii) pursuant to paragraph (a)(ii) the Registered User shall with such notice provide to the Transporter in a format specified by the Transporter details of the Registered User's reasons or evidence for its view and a reasonable estimate of the quantity or (as the case may be) value which the Registered User considers should be the Annual Quantity or such variable of such Supply Meter Point;

(d) the Transporter will consider the details provided by the Registered User under paragraph (c), and where it is satisfied that the Annual Quantity or such variable notified to the Registered User pursuant to paragraph 1.6.2 fails to satisfy the requirement in paragraph 1.6.6 and that estimate of the Annual Quantity provided by the Registered User satisfies the requirement in paragraph 1.6.6, then the Transporter shall substitute the Annual Quantity with that estimate of the Annual Quantity (subject to paragraph 1.6.15 or (as the case may be) variable for the relevant Gas Year);

(e) _____

(i) _____ For the purposes of this paragraph 1.6.13(e):

(ii) _____ The SSMP AQ Appeal Submission Cap is the maximum number of appeals (as determined in accordance with paragraph 1.6.13(e)(iv)) that a User may submit pursuant to paragraph 1.6.13(b)(iii) (“Smaller Supply Meter Point AQ Appeals”) during any calendar month falling within the period from and including 1 October in the relevant Gas Year up to and including 31 May in the relevant Gas Year.

(iii) _____ A notification shall be issued by the Transporter to each User:

(1) _____ by no later than the 11th Business Day of September in the preceding Gas Year setting out the monthly SSMP AQ Appeal Submission Cap which shall apply in respect of Smaller Supply Meter Point AQ Appeals submitted by the User during the period from and including 1 October in the relevant Gas Year up to and including 31 January in the relevant Gas Year; and

(2) _____ by no later than the 11th Business Day of January in the relevant Gas Year setting out the the monthly SSMP AQ Appeal Submission Cap which shall apply in respect of Smaller Supply Meter Point AQ Appeals submitted by the User during the period from and including 1 February in the relevant Gas Year up to and including 31 May in the relevant Gas Year.

(iv) _____ The SSMP AQ Appeal Submission Cap for each User for any calendar month during the period from and including 1 October in the relevant Gas Year up to and including 31 May in the relevant Gas Year shall be:

(1) _____ for a User who is the Registered User of less than the Prescribed Number of Smaller Supply Meter Points, the number of Smaller Supply Meter Points for which the User is the Registered User as at the 1st Business Day of September in the preceding Gas Year in respect of the SSMP AQ Appeal Submission Cap notified pursuant to paragraph 1.6.13(e)(iii)(1), or the 1st Business Day of January in the relevant Gas Year in respect of the SSMP AQ Appeal Submission Cap notified pursuant to paragraph 1.6.13(e)(iii)(2); or

(2) _____ for a User who is the Registered User of the Prescribed Number or more than the Prescribed Number of Smaller Supply Meter Points:

(aa) _____ the Prescribed Number; plus

(bb) _____ the SSMP Market Share AQ Appeal Pool multiplied by the percentage of all registered Smaller Supply Meter Points held by all Users for which the User is

the Registered User as at the 1st Business Day of September in the preceding Gas Year in respect of the SSMP AQ Appeal Submission Cap notified pursuant to paragraph 1.6.13(e)(iii)(1) or as at the 1st Business Day of January in the relevant Gas Year in respect of the SSMP AQ Appeal Submission Cap notified pursuant to paragraph 1.6.13(e)(iii)(2);

For the purposes of this paragraph 1.6.13(e)(iv):

- (cc) the “Prescribed Number” shall be fifty (50) or such other number as may be determined by the Transporter taking account of the number of SSMP AQ Appeals previously submitted by Registered Users and as may be notified by the Transporter to each User from time to time; and
- (dd) the “SSMP Market Share AQ Appeal Pool” shall be calculated on the 1st Business Day of October in the relevant Gas Year and the 1st Business Day of January in the relevant Gas Year by subtracting the aggregate number of appeals allocated to all Users pursuant to paragraph 1.6.13(e)(iv)(1) (as at the 1st Business Day of October in the relevant Gas Year or the 1st Business Day of January in the relevant Gas Year (as the case may be)) and the aggregate number of appeals allocated to all Users pursuant to paragraph 1.6.13(e)(iv)(2)(aa) from 20,000;
- (v) The Transporters will not be obliged to process any Smaller Supply Meter Point AQ Appeal submitted by a User in excess of the SSMP AQ Appeal Submission Profile Cap notified by the Transporter pursuant to paragraph 1.6.13(e)(iii)
- (vi) Where, in respect of any Smaller Supply Meter Point, the Registered User notifies the Transporter that it is appealing the Annual Quantity in accordance with paragraph 1.6.13(b)(iii) the Registered User shall warrant that:
 - (1) in reviewing the Annual Quantity it has applied a methodology that:
 - (aa) is consistent to all Smaller Supply Meter Points for which it is the Registered User; and
 - (bb) does not materially differentiate in its treatment of Smaller Supply Meter Points where the Registered User’s reasonable estimate of the Annual Quantity is less than the Annual Quantity and Smaller Supply Meter Points where the Registered User’s reasonable estimate of the Annual Quantity is greater than the Annual Quantity; and
 - (2) it has notified the Transporter of all Annual Quantity appeals resulting from the application of the methodology referred to in sub-paragraph (1) above that satisfy the requirements set out in paragraph 1.6.13(b)(iii) insofar as this is permissible taking account of the relevant SSMP AQ Appeal Submission Cap.

1.6.14 Where the Transporter agrees to revise the Annual Quantity or End User Category under paragraph 1.6.13(d) or paragraph 1.6.17:

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- (a) the Registered User may submit a Supply Point Reconfirmation (in accordance with paragraph 2.2.5) in respect of the relevant Supply Point on the basis of the revised Annual Quantity or End User Category;
- (b) with effect from the Supply Point Registration Date in respect of such Supply Point Reconfirmation, Supply Point Transportation Charges, UDQOs and Energy Balancing Charges (so far as to be determined by reference to or directly or indirectly a function of Annual Quantity or End User Category) shall be determined by reference to the revised Annual Quantity or End User Category;
- (c) no adjustment, revision or redetermination in respect of any such Supply Point Transportation Charge, UDQO and Energy Balancing Charge in respect of or accruing in respect of any Day before the Supply Point Registration Date will be made, it being agreed that such amounts and charges will be determined (and, in the case of charges, payable) by reference to the Annual Quantity and End User Category notified by the Transporter pursuant to the foregoing provisions of this paragraph 1.6 unless and until any revision is made pursuant to paragraph (a).