

## UNC Workgroup 0384 Minutes

### UNC Modification Rules; housekeeping, clarity and minor drafting changes

Thursday 19 April 2012

ENA, Dean Bradley House, 52 Horseferry Road, London SW1P 2AF

#### Attendees

Tim Davis (Chair)	(TD)	Joint Office
Bob Fletcher (Secretary)	(BF)	Joint Office
Andrew Green	(AG)	Total
Alan Raper	(AR)	National Grid Distribution
Chris Hill	(CH)	First Utility
Chris Wright	(CW)	British Gas
David Mitchell	(DM)	Scotia Gas Networks
Dora Ianora	(DI)	Ofgem
Erika Melen	(EM)	Scotia Gas Networks
Joanna Ferguson	(JF)	Northern Gas Networks
Joel Martin	(JM)	Scotia Gas Networks
Richard Fairholme	(RF)	E.ON UK
Ritchard Hewitt	(RH)	National Grid NTS
Robert Cameron-Higgs	(RCH)	Wales & West Utilities

#### 1. Review of Minutes and Actions from previous meeting

##### 1.1 Minutes

The minutes from the previous meeting were approved. No actions were outstanding.

#### 2. Workgroup Discussion

RH explained the recent changes to the modification and how it has been amended to reflect the aim and requirements of Modification 0394 to ensure that when amended text is provided for an FMR, it is considered by the Panel. TD asked why the modification does not seek to prevent Ofgem making a decision should the text be changed while an FMR is with Ofgem. RH advised that Ofgem could not be fettered by UNC requirements; therefore they cannot be prevented from making a decision on implementation should the text change.

TD asked how a proposal can be changed should the text in the FMR change, as envisaged in the revised Modification 0384, and how the Panel could decide if it is a material change. RH felt that changes to text may have a material impact on the intent of a modification and therefore it is a good test for the Panel. TD was concerned that the test may be too specific and that there is no clear definition of what is meant by material.

TD asked RF if he felt that the amendments picked up most of the requirements of Modification 0394. RF was concerned that modifications could still be issued to consultation without text. RH confirmed this was the case but since Panel could request text at any stage the possibility of this happening was greatly reduced.

RF asked if the intention was to address the definition of text in order to remove the various

types. RH advised that National Grid NTS propose retailing the concept of Suggested text should the proposer wish to provide it. This would not be binding on the Panel or Transporters but rather provide a basis that could be developed during the assessment process.

RF asked if there could be a trigger for the text to always be provided once the Workgroup Report is completed. TD observed that the Workgroup should review the text during its assessment of the modification, and so this trigger would be too late in the process and text should have been provided before the trigger is reached.

TD suggested the text would need to consider the interaction with the present provisions for text, for example clarifying whether it is appropriate to remove the existing provision that text is to be provided for the DMR unless the Panel votes otherwise.

RH then explained the proposed amendments to the voting rules and housekeeping changes, and it was agreed that – subject to receiving an amended modification – the Joint office should produce a draft Workgroup Report for the next meeting. RH agreed to consider the comments received at the meeting and make suitable amendments. He would also arrange for the provision of supporting text.

**3. AOB**

None.

**4. Diary Planning for Workgroup**

The next meeting is scheduled for Thursday 17 May 2012, at ENA, following the UNC Committee meeting.