

UNC Workgroup 0394 Minutes
Legal Text for UNC Modification Proposals

Thursday 15 March 2012

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

Attendees

Tim Davis (Chair)	(TD)	Joint Office
Bob Fletcher (Secretary)	(BF)	Joint Office
Chris Warner	(CWA)	National Grid Distribution
Chris Wright	(CWR)	British Gas
David Mitchell	(DM)	Scotia Gas Networks
Dora Ianora	(DI)	Ofgem
Erika Melen	(EM)	Scotia Gas Networks
Joanna Ferguson	(JF)	Northern Gas Networks
Peter Bolitho	(PB)	E.ON UK
Steve Fisher	(RF)	National Grid NTS

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

TD asked PB whether the proposed changes to Modification 0384 seemed likely to deliver sufficient change to the text provision process or if he would wish to continue to pursue the more detailed options as developed for 0394. PB felt that 0384 had moved in the right direction and should help to deliver the key objective of ensuring text is always available in good time for assessment by the industry. He remained unclear why this appears to be delivered without issue in other codes, and would prefer to see a model where the Joint Office is responsible for providing text. However, his present inclination would be to adopt the relatively simple process envisaged by Modification 0384 and revisit alternatives if this were either not implemented or proved to be ineffective in practice.

TD suggested that this might leave Modification 0394 to focus on the process after a Final Modification Report (FMR) has been sent to Ofgem. One possibility, which TD had discussed with Richard Fairholme, would be to build on the provisions of section 9.5 of the Modification Rules, Further Consultation. If any amended FMR were automatically referred to the Panel under 9.5, this would provide an opportunity either for the Panel to be satisfied that no further action is needed or that the change is sufficiently significant to merit a further consultation. PB felt that this would be a sensible step since the Panel should be allowed to review any FMR that is amended such that any changed legal text is subject to industry scrutiny.

TD pointed out that a risk of no scrutiny would remain since the suggested approach would not prevent Ofgem rejecting or approving the modification at any time. DI did not consider this to be a material risk, believing it unlikely that Ofgem would make a decision knowing that the FMR would be on the agenda for discussion at the next Panel meeting.

SF and PB agreed to discuss whether it might be possible to merge Modifications 0384S and 0394 so that one of them can be withdrawn.

3. AOB

None.

4. Diary Planning for Workgroup

The next meeting is scheduled for Thursday 19 April 2012, at ENA, following the UNC Committee meeting.