

**UNC Workgroup 0394 Minutes**  
**Legal Text for UNC Modification Proposals**

**Thursday 15 December 2011**

**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
Dora Ianora	(DI)	Ofgem
Erika Melen	(EM)	Scotia Gas Networks
Joanna Ferguson	(JF)	Northern Gas Networks
Joel Martin	(JM)	Scotia Gas Networks
Phil Broom	(PB)	GDF Suez
Phil Hobbins	(PH)	National Grid NTS
Richard Fairholme	(RF)	E.ON UK
Simon Trivella	(ST)	Wales & West Utilities

**Review of Minutes and Actions from previous meeting**

**1.1 Minutes**

The minutes from the previous meeting were approved.

**1.2 Actions**

None.

**Workgroup Discussion**

Draft Business Rules

RF explained the recent amendments to the business rules following the comments received at the previous meeting - in particular those relating to BR 13 and 14.

JM asked if it is appropriate to refer to Individual Network Codes in BR 1. TD considered this appropriate to be consistent with how Individual Network Codes are referred to in the Modification Rules.

JM questioned BR2, raising a concern that Workgroups can request text for an under developed modification. He would prefer that text be produced once the modification is sufficiently clear, without lots of text iterations. PB was in favour of trusting the Workgroup to request text when it needed to be discussed, so that issues can be identified at an early stage. However, CWA was concerned that complex modifications should not be driven by developing legal text and that the business rules should be sufficiently developed to allow text to be provided – with text provided towards the end of the Workgroup process. TD suggested that the Business Rules could either be amended to say that Workgroups should be required to confirm the modification is sufficiently clear to support text being provided before requesting it; or could remain as drafted with Workgroup's trusted to reach a sensible consensus on when it would be appropriate for text to be provided. However, there is also the fallback position where Transporters could report that text cannot be produced in cases where lawyers conclude that modifications are insufficiently clear.

JM was concerned that the Proposer was able to provide text - how does this get amended should the Workgroup request changes? CWA was content with the rules as proposed, though it needs to be understood that the Transporter is responsible for providing the final text. RF confirmed that aim is to remove the concept of suggested text, so that the Transporter effectively adopts text as their own if they confirm the Proposer's text is suitable for use.

JM asked how the Workgroup makes the recommendation in BR 9 - is the proposer involved in the process as they own the solution? Would voting rules be required? How is consensus to be defined? RF understood that the Workgroup makes recommendation now so this is not a new issue nor additional to their existing role.

ST asked why the unanimous rather than majority vote is required in BR 10 - this may unduly delay the modification process.

ST was concerned that the Panel is expected to determine that the text reflects the modification in BR 11. Text may not be provided sufficiently in advance for this type of decision to be made and may be more appropriate to remain as a question for consultation.

JM questioned why the Panel should be involved with changes to the text proposed by other parties, suggesting this go through a challenge and review process with the Transporter, helping ensure the original text is understood by the person proposing the variation. TD felt this is likely to happen in practice prior to any text variation being prepared and submitted.

TD asked if the variation proposed in BR14(a) should lapse if it fails to be supported by Panel. DI asked if a text variation is likely to be issued for consultation. TD advised this would be dependent on the materiality of the variation; it is unlikely for a simple change.

RF agreed to consider the comments and provide any amendments to the business rules to JM, to allow sufficient time for text to be provided for review at the next Workgroup meeting.

## **AOB**

None.

## **Diary Planning for Workgroup**

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