

UNC Workgroup 0394 Minutes
Legal Text for UNC Modification Proposals

Thursday 17 November 2011

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
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
Richard Fairholme	(RF)	E.ON UK
Ritchard Hewitt	(RHe)	National Grid NTS
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 presented the draft business rules and requested comments from the Workgroup. He suggested including the business rules in the modification and he hoped to do this by the next meeting.

ST asked if Transporters would be able to provide formal text without a request from Panel or Ofgem. TD advised that a Workgroup would also be able to request text.

JM asked what happens where text has been provided and the modification is subsequently amended - can the text be withdrawn. TD felt this was the best option and if necessary comments could be included in the Report.

RHe was concerned that rules 10 and 11 conflict, as rule 11 prevents rule 10 from applying. TD amended rules to remove the conflict.

Some concerns were raised that any party can raise a variation to amend the text. However, this may cause a loop should the Panel and Workgroup disagree on the content of the text and therefore delay the modification progressing. RHe suggested a right of veto for the proposer where the text is changed and does not meet the intent of the modification and its solution.

TD asked whether any right of veto should be given to Panel. Transporters were still concerned that changes could be agreed to the text without the drafting lawyer being involved in the process.

RHe suggested that vetoing parties should be identified in the 0394 business rules, and it should be clarified who is responsible for making formal amendments to the text. RF was still concerned to avoid amendments being agreed without the Panel's approval.

ST felt that the current practice where Ofgem comment on text once it has received the FMR is too late in the process for modifications to be varied. DI agreed that Ofgem are relaxed with the use of their send back powers, however, it would benefit all if text was fully reviewed by all parties prior to a modification being issued to consultation.

RF is to consider the comments received and whether the modification and/or business rules need amending.

AOB

None.

Diary Planning for Workgroup

The next meeting is scheduled for Thursday 15 December 2011, at ENA, following the UNC Committee meeting.