

UNC Workgroup 0394 Minutes
Legal Text for UNC Modification Proposals

Thursday 20 October 2011

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

Attendees

Tim Davis (Chair)	(TD)	Joint Office
Mike Berrisford (Secretary)	(MB)	Joint Office
Alan Raper	(AR)	National Grid Distribution
Andrew Green	(AG)	Total
Chris Hill	(CH)	First Utility
Chris Wright	(CW)	British Gas
Dora Ianora	(DI)	Ofgem
Erika Melen	(EM)	Scotia Gas Networks
Joanna Ferguson	(JF)	Northern Gas Networks
Joel Martin	(JM)	Scotia Gas Networks
Katherine Boreham	(KB)	National Grid NTS
Lisa Charlesworth	(LC)	Ofgem
Phil Broom	(PB)	GDF Suez
Richard Fairholme	(RF)	E.ON UK
Ritchard Hewitt	(RH)	National Grid NTS
Simon Trivella	(ST)	Wales & West Utilities

1. Review of Minutes and Actions from previous meeting

1.1 Minutes

The minutes from the previous meeting were approved.

1.2 Actions

None.

2. Workgroup Discussion

2.1 Completion of Workgroup Report

Consideration deferred in light of item 3, below.

3. Review of Legal Text

Extracted business rules from Modification 0394

JM explained that production of the legal text had been less straightforward than he had anticipated. To support this, he had developed business rules that seek to reflect the modification. He then ran through each of the extracted business rules in turn.

When asked about provision of legal text to aid development of a modification, JM suggested that, when the time is appropriate, a workgroup could request legal text.

When discussing the proposed removal of Suggested Text, it was clarified that this is text provided by the proposer. If the Transporters provide text in support of a Shipper raised modification, this does not become Suggested Text.

Those present indicated that they would be content with BR5 as proposed.

In considering BR7, JM confirmed that the modification includes consideration of any modifications that do not need text (e.g. changes to CSEP Annex A) within it.

In considering BR8, RF agreed to consider inclusion of a formal Transporter adoption of legal text process for legal text provided by the proposer in the modification.

RH was concerned that BR9 may promote 'filibustering'. TD asked if the problem stems from the use of the term 'must determine', and it was agreed that the modification itself provided a less severe test.

In considering BR10, RF suggested that any proposed changes to the legal text in this instance relate to the time between the modification being issued to consultation and prior to the Panel's consideration of the Final Modification Report. TD observed that the modification currently refers to the next Panel, and acknowledged that there was a risk that Ofgem would direct implementation prior to that meeting, and thus direct the un-amended text.

In considering BR11, ST suggested changing or removing the reference to 'immaterial' to avoid potentially debating levels of materiality in future.

RF indicated that he would consider the points raised and amend the modification accordingly, incorporating a set of business rules.

Discussion Document (Modification Rules)

JM explained that the modification is difficult to simply insert into the current modification rules because of their complexity. He emphasized, therefore, that the document was a working version of the legal text required to implement the Modification that primarily identified the areas likely to be impacted rather than being close to a final draft.

In reiterating National Grid NTS's view that this modification does not comply with the Code of Practice (CoP), RH remained concerned that the Panel would no longer have the option of issuing a modification to consultation in the absence of legal text. This was recognized. However, TD ran through the remaining CoP requirements, which would be better served if the modification were implemented. In light of the CoP, RF agreed to consider exception requirements.

4. AOB

None.

5. Diary Planning for Workgroup

The next meeting is scheduled for Thursday 17 November 2011, at ENA, following the UNC Committee meeting.