

UNC Workgroup 0479S Minutes
Inclusion of email as a valid UNC communication
09.30 Friday 11 April 2014
By Teleconference

Attendees

Les Jenkins (Chair)	(LJ)	Joint Office
Bob Fletcher (Secretary)	(BF)	Joint Office
Alex Ross-Shaw	(ARS)	Northern Gas Networks
Colette Baldwin	(CB)	E.ON UK
David Addison	(DA)	Xoserve
David Mitchell	(DM)	Scotia Gas Networks
Lorna Lewin	(LL)	DONG Energy
Martin Connor	(MC)	National Grid NTS

Copies of all papers are available at: <http://www.gasgovernance.co.uk/0479/110414>

The Workgroup Report is due to be presented at the UNC Modification Panel by 17 July 2014.

1.0 Review of Minutes and Actions

1.1. Minutes

The minutes were approved.

1.2. Actions

0301: NGN to provide view on legal status of email, a definition of what is an email communication and recent changes in legislation concerning email as a method of communication.

Update: ARS confirmed that he had provided a view on the legal status of email in a presentation for discussion. See item 2.0 below **Closed**

0302: NGN to provide an updated list of the communications in the UK Link manual which would or would not be suitable for email.

Update: ARS confirmed that an updated list of communications had been provided. **Closed**

2.0 Discussion

ARS provided a presentation, explaining the use of email in a business context and the way terms and conditions do/do not apply between different service providers. This is not always the case for all stages of the process when using email.

The use of email will require an amendment to Code and would require a definition for the use of email with a deemed receipt rule defining how the process is to be used and when.

ARS explained a number of example scenarios for the use of emails and where this can be used as an option – it does not mean the use of other methods are barred in some situations but can be used as an alternative.

CB asked about the comparison of between this modification and P113, which was developed in the electricity industry – the scope of this modification goes much further

than that defined in P113, which was mainly for the circulation of news information and not contract files and documents. This modification proposes to use email to create obligations and careful consideration needs to take place as to the suitability of deemed receipt in these situations - case law need to be considered. ARS was aware of the difference between the modifications but felt it was down to parties to maintain their systems so as to be able to confirm receipt.

MC asked if it would be possible to review the UK Link manual to update it as a number of the potential uses set out in the manual have been superseded by other modifications and the manual has not been updated. This could be overcome with appropriate amendments to TPD. DA agreed it would be a significant task to review the manual in time for the modification to progress but the aim was to get a "correct" position for those communication aspects of the manual, which would be amended by this modification.

CB asked if the UK Link manual would be updated as part of Project Nexus, is this pushing that requirement forward. DA agreed there would be fundamental changes at that time but not all the aspects of the UK Link Manual would need to be made at this time. CB wanted to know why the manual hasn't been updated as modifications have been implemented in the past. DA was unable to provide an answer at this time.

LJ summarised the main issues being:

1. Deemed receipt – should views be sought in consultation responses;
2. The link to P113 – it has been agreed that this modification is not a direct comparison but time has moved forward and though deemed receipt was not included in P113, this does not mean it shouldn't be now.

MC advised that National Grid NTS were setting up internal topic groups to look at different aspect proposed in the modifications and they would prefer if the Workgroup was active during this process.

After a short discussion about possible ways to proceed, it was agreed that clarity about both the legal principles of email transmission and the detail of specific code communications were fundamental to this change.

New Action 0401: Northern Gas Networks and Xoserve (ARS/DA) agreed to review UK Link Manual appendix 5B to see what communication would be considered suitable for email and the amended appendix 5B is to be circulated during the first week of May.

New Action 0402: All to review the amended appendix 5B prior to the next meeting.

New Action 0403: EON UK (CB) to seek legal view on deemed receipt and the transmission of emails when used in a contractual process.

New Action 0404: The Joint Office and Xoserve (BF/DA) to raise awareness of the importance of participating in this Workgroup to Distribution Workgroup and UK Link sub-committee participants.

3.0 Any Other Business

None raised.

4.0 Diary Planning

Further details of planned meetings are available at: www.gasgovernance.co.uk/Diary

Workgroup meetings will take place on:

Day 28 May 2014, at 10:30, 31 Homer Road, Solihull, B91 3LT

Action Table

Action Ref	Meeting Date	Minute Ref	Action	Owner	Status Update
0301	06/03/14	2.0	NGN to provide view on legal status of email, a definition of what is an email communication and recent changes in legislation concerning email as a method of communication.	Northern Gas Networks (ARS)	Closed
0302	06/03/14	2.0	NGN to provide an updated list of the communications in the UK Link manual which would or would not be suitable for email.	Northern Gas Networks (ARS)	Closed
0401	11/04/14	2.0	NGN and Xoserve (ARS/DA) agreed to review UK Link Manual appendix 5B to see what communication would be considered suitable for email and the amended appendix 5B is to be circulated during the first week of May.	NGN and Xoserve (ARS/DA)	Pending
0402	11/04/14	2.0	All to review the amended appendix 5B prior to the next meeting.	All	Pending
0403	11/04/14	2.0	EON UK (CB) to seek legal view on deemed receipt and the transmission of emails when used in a contractual process.	EON UK (CB)	Pending
0404	11/04/14	2.0	Joint Office and Xoserve (BF/DA) to raise awareness of the importance of participating in this Workgroup to Distribution Workgroup and UK Link sub-committee participants.	JO and Xoserve (BF/DA)	Pending