

Record of Determinations: Panel Meeting, 19 May 2011

Modification	Vote Outcome	Shipper Voting Members					Transporter Voting Members					Consumer Representative	Determination Sought	
		AB (RS)	CW _r	PB	RF	SL	CW _a	JF	JM	RHe	ST	RHa		
0356A - Demand Data for the NTS Exit (Flat) Capacity Charges Methodology	Not related to the Significant Code Review - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	Modification is related to Significant Code Review
	Not a Self-Governance Modification unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	Modification should follow Self-Governance Procedures
	Issued to Workgroup 0356 for assessment - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Issue to Workgroup 0356 for assessment
0379A - Provision for an AQ Review Audit	Not related to the Significant Code Review - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	Modification is related to Significant Code Review
	Not a Self-Governance Modification unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	Modification should follow Self-Governance Procedures
	Issued to Workgroup 0379 for assessment - unanimous vote for	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Issue to Workgroup 0379 for assessment
0380 - Periodic Annual Quantity calculation	Not related to the Significant Code Review - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	Modification is related to Significant Code Review
	Not a Self-Governance Modification 1 vote in favour, 10 against	X	X	X	X	X	X	X	X	X	✓	X	X	Modification should follow Self-Governance Procedures
	Issued to Workgroup for assessment - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Issue to Workgroup for assessment
	Workgroup to report by December Panel - unanimous vote	✓	NP	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Workgroup to report by December Panel
0381 - Removal of the NTS Exit (Flat) Capacity "deemed application" process	Not related to the Significant Code Review - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	Modification is related to Significant Code Review
	0381 is a Self-Governance Modification - 6 votes in favour, 5 against	X	X	✓	X	✓	✓	✓	✓	X	✓	X	X	Modification should follow Self-Governance Procedures
	Proposed Self-governance Determination Date is 20 October 2011 - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Proposed Self-governance Determination Date to be 20 October 2011
	Issued to Workgroup for assessment - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Issue to Workgroup for assessment
	Workgroup to report by September Panel - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Workgroup to report by September Panel
	Not related to the Significant Code Review - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	Modification is related to Significant Code Review

0382 - Reducing the capacity element of LDZ system charges for SSPs	Not a Self-Governance Modification unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	Modification should follow Self-Governance Procedures
	Issued to Workgroup for assessment - unanimous vote against consultation	X	X	X	X	X	X	X	X	X	X	X	Issue to consultation
	Workgroup to report by September Panel - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Workgroup to report by September Panel
0383 - Profiling payment of LDZ transportation charges	Not related to the Significant Code Review - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	Modification is related to Significant Code Review
	Not a Self-Governance Modification unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	Modification should follow Self-Governance Procedures
	Issued to Workgroup for assessment - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Issue to Workgroup for assessment
	Workgroup to report by September Panel - vote 10 votes in favour, one against	✓	✓	✓	✓	✓	✓	✓	✓	X	✓	✓	Workgroup to report by September Panel
0384 - UNC Modification Rules; housekeeping, clarity and minor drafting changes	Not related to the Significant Code Review - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	Modification is related to Significant Code Review
	0384 is a Self-Governance Modification - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Modification should follow Self-Governance Procedures
	Proposed Self-governance Determination Date to be 20 October 2011 - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Proposed Self-governance Determination Date to be 20 October 2011
	Issued to Workgroup 0384 for assessment - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Issue to Workgroup for assessment
	Workgroup to report by November Panel - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Workgroup to report by November Panel
0385 - Inclusion of DNOs as Users in User Pays Arrangements	Not related to the Significant Code Review - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	Modification is related to Significant Code Review
	0385 is a Self-Governance Modification - 8 votes in favour, 2 against	✓	NV	✓	✓	✓	✓	✓	✓	X	✓	X	Modification should follow Self-Governance Procedures
	Proposed Self-governance Determination Date is 15 September 2011 - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Proposed Self-governance Determination Date to be 15 September 2011
	Issued to Workgroup for assessment - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Issue to Workgroup for assessment
	Workgroup to report by 15 September Panel - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Workgroup to report by September Panel
0326 - Allocation of unidentified gas following the appointment of the Allocation of Unidentified Gas Expert (AUGE)	Variation is not immaterial - 8 votes in favour (unanimous vote required to be immaterial)		✓		✓	✓	✓	✓	✓	✓	✓	Variation is immaterial	

0326V - Allocation of unidentified gas following the appointment of the Allocation of Unidentified Gas Expert (AUGE)	Not related to the Significant Code Review - 10 votes against	X	X	X	X	X	X	X	X	X	X	X	NV	Modification is related to Significant Code Review
	0326V is not a Self-Governance Modification - 10 votes against	X	X	X	X	X	X	X	X	X	X	X	NV	Modification should follow Self-Governance Procedures
	Issue to consultation - 10 votes in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NV	Issue to Consultation
0330 - Delivery of additional analysis and derivation of Seasonal normal weather	Proceed to consultation - 10 votes in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Issue to Consultation
	Legal text required - 10 votes in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Legal text required for inclusion in the Draft Modification Report
0331 - Demand Estimation Section H Changes to Processes and Responsibilities	Proceed to consultation - 10 votes in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Issue to Consultation
	Legal text required - 9 votes in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Legal text required for inclusion in the Draft Modification Report
0343 - The ability and requirement for Users and Transporters to raise issues to be considered by the Allocation of Unidentified Gas Expert as "known" issues	Proceed to consultation - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Issue to Consultation
	Cost estimate not required - 2 votes in favour	✓		✓										Cost estimate required for inclusion in the Draft Modification Report
	Legal text required - 7 votes in favour	✓		✓			✓	✓	✓	✓			✓	Legal text required for inclusion in the Draft Modification Report
0316 - Review of Section I of the Offtake Arrangements Document (OAD): NTS Operational Flows	Extension to August Panel agreed - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Extension to August requested
0329 - Review of Industry Charging and Contractual Arrangements – DM Supply Point Offtake Rates (shqs) and DM Supply Point Capacity (soqs)	Extension to August Panel agreed - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Extension to August requested
0356 - Demand Data for the NTS Exit (Flat) Capacity Charges Methodology	Extension to November Panel agreed - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Extension to November requested
0363 - Commercial Arrangements for NTS Commingling Facilities	Extension to September Panel agreed - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Extension to September requested
0365 - National Grid NTS Initiated Flow Swaps	Extension to August Panel agreed - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Extension to August requested
0372 - Code Governance Review Licence Compliance Changes	Extension to July Panel agreed - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Extension to July requested
0374 - Interruptible to Firm – Supply Point Transition	Extension to July Panel agreed - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Extension to July requested

0314 - The provision of a "Data Update" to Non Code Parties	Consideration Deferred - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Defer consideration
0349 - Introduction of a Force Majeure Capacity Management Arrangement	Consideration Deferred - unanimous vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Defer consideration

KEY	In favour	Not in Favour	No Vote Cast	Not Present for Vote
	✓	X	NV	NP

Attendees

Voting Members:

Shipper Representatives	Transporter Representatives	Consumer Representative
C Wright, British Gas (CWr) P Broom, GDF Suez (PB) R Fairholme, E.ON UK (RF) R Street Corona Energy (RS) alternate for A Bal, Shell S Leedham, EDF Energy (SL)	C Warner, National Grid Distribution (CWa) J Ferguson, Northern Gas Networks (JF) J Martin, Scotia Gas Networks (JM) R Hewitt, National Grid Transmission (RHe) S Trivella, Wales & West Utilities (ST)	R Hall, Consumer Focus (RHa)

Non-Voting Members:

Independent Suppliers' Representative	Ofgem Representative	Chairman
	D Ianora (DI)	T Davis, Joint Office (TD)

Also in Attendance:

A Miller , Xoserve (AM), B Fletcher, Panel Secretary (BF), C Shanley, National Grid NTS (CS) and J Wisdom, RWE npower (JW)

By teleconference

L Kerr, Scottish Power (LK)

Record of Discussions

111.5 Note of any alternates attending meeting

D Ianora for J Dixon (Ofgem), J Martin for A Gibson (Scotia Gas Networks) and R Street for A Bal (Shell)

111.6 Record of Apologies for absence

A Bal, J Dixon, A Gibson and C Hill (First Utility)

111.7 Consider New, Non-Urgent Modifications

- a) Modification 0356A - Demand Data for the NTS Exit (Flat) Capacity Charges Methodology

SL introduced the modification, which had been raised as an alternative to Modification 0356. The difference was that the charging model would use capacity bookings rather than a forecast of demand.

Following discussion, Members determined that Modification 0356A:

- is not related to the Significant Code Review as it is not a related subject;
- does not meet the criteria for Self-Governance since it would affect the level of transportation charges and so have a material impact;
- should be issued to Workgroup 0356 for assessment alongside the original modification.

- b) Modification 0371 - Unsecured Credit Limit allocated through payment history – late payments

Members noted that Modification 0371 had been withdrawn.

- c) Modification 0379A - Provision for an AQ Review Audit

LK introduced the modification and its aims, indicating that it had been raised as an alternative to Modification 0379.

RHa asked why the suggested 85% performance target, rather than any other level, was appropriate. LK considered the modification should provide an aspiration for improvement on a year by year basis and believed 85% struck an appropriate balance. RHa asked if the supplier charges should be an incentive or a liquidated damages regime? LK considered this should be discussed and agreed within the Workgroup.

CWr felt that both 0379A and 0379 could be implemented, and therefore the modification should not be progressed as an alternative to 0379. JW disagreed, arguing that 0379A overlaps 0379 in terms of measuring AQ performance, and both modifications seek the same outcome of improving AQ accuracy.

CWa was concerned that the modification seeks to put obligations on Ofgem – Ofgem is not a code signatory and so this is not possible. As such, the modification as now drafted cannot be implemented. LK felt that this could be amended during the assessment process in order to create a workable approach.

Following discussion, Members determined that Modification 0379A:

- is not related to the Significant Code Review as it is not a related subject;
- does not meet the criteria for Self-Governance since AQs impact the allocation of costs between Shippers and hence implementation may have a material impact on competition;
- should be issued to a Workgroup 0379 for assessment alongside the original modification.

The Panel requests the Workgroup to consider:

- how to ensure all obligations are on code parties;
- whether to adopt an incentive or liquidated damages based approach.

d) Modification 0380 - Periodic Annual Quantity calculation

CWa introduced the modification, which he regarded as a replacement to Modification 0209 - RF advised that E.ON UK are likely to withdraw Modification 0209.

SL asked if the timetable should target implementation prior to the delivery of Project Nexus, and hence the Modification be assessed on its own rather than being seen as part of Project Nexus. However, RS questioned whether six months was sufficient time for assessment given that other developments would need to be taken into account in developing an appropriate solution. CWa felt a significant amount of development work was available from Modification 0209 and did not envisage changes that would require a significant amount of time to assess.

Following discussion, Members determined that Modification 0380:

- is not related to the Significant Code Review as it is not a related subject;
- does not meet the criteria for Self-Governance as it would potentially impact AQs and cost allocations, and hence competition between Shippers;
- should be issued to a Workgroup for assessment, with a report presented by the December Panel.

The Panel requests the Workgroup to consider

- the potential impacts of SMART metering on the AQ process.

e) Modification 0381 - Removal of the NTS Exit (Flat) Capacity “deemed application” process

ST introduced the aims of the modification. RHe did not believe the modification meets the criteria for Self Governance as it would change the impact from overrunning. This could change incentives and outcomes and consequently have a material impact on exit capacity users. ST did not agree. The process is not yet used in practice and strong incentives not to overrun will remain. Behaviours would not be expected to change, and so no material impact would be anticipated.

RHa asked if many automatic deemed applications had been seen. It was confirmed the process does not apply until 2012 and therefore none have yet been seen. RS asked if a customer inadvertently overruns, are they automatically deemed to have applied for capacity they do not require? It was confirmed that this is the case and the commitment cannot be avoided.

Following discussion, Members determined that Modification 0381:

- is not related to the Significant Code Review as it is not a related subject;
- meets the criteria for Self-Governance, with a Proposed Self-Governance Determination date of 20 October 2011, as it was felt that the proposed changes were unlikely to impact whether or not a customer overruns, and because the existing provisions would not apply before 2012;
- should be issued to a Workgroup for assessment, with a report presented by the September Panel.

f) Modification 0382 - Reducing the capacity element of LDZ system charges for SSPs

TD introduced the modification on behalf of the proposer, identifying the request that the modification be issued direct to consultation.

SL thought it would be beneficial for the modification to be sent for assessment so that the previous work on the 95:5 split can be reviewed by the Workgroup. ST suggested the Workgroup could also consider other capacity based transporter charges and whether the objective would be achieved given the modification’s present scope. AM advised an impact assessment is likely to be needed to consider the impacts on Xoserve’s systems in order to treat SSPs and LSPs differently. CWa was concerned that the modification is inappropriately considered as low impact for DNOs as it has a direct impact cash flow.

Following discussion, Members determined that Modification 0382:

- is not related to the Significant Code Review as it is not a related subject;
- does not meet the criteria for Self-Governance as a change in charges would affect cost allocations and so could materially impact competition between Shippers;

- should be issued to a Workgroup for assessment, with a report presented by the September Panel.

The Panel requests the Workgroup to consider

- potential impacts on Xoserve systems;
- a review of previous work supporting the 95:5 split;
- whether other capacity based transportation charges should be within the modification's scope.

g) Modification 0383 - Profiling payment of LDZ transportation charges

TD introduced the modification on behalf of the proposer. RHa asked if the Proposal sought to allow partial profiling payments by stating payments should fall within a range. JF thought this was intended to establish a minimum payment requirement against a demonstrated profile. RHe asked what happens when the number of meter points threshold is exceeded: are profiles reset? RS questioned whether the modification might impact energy balancing credit arrangements, and it was clarified that this was not expected.

Following discussion, Members determined that Modification 0383:

- is not related to the Significant Code Review as it is not a related subject;
- does not meet the criteria for Self-Governance since it is expected to have a material impact on competition between Shippers;
- should be issued to a Workgroup for assessment, with a report presented by the September Panel.

The Panel requests the Workgroup to consider

- Clarify the eligibility criteria;
- Review impacts on the UNC credit arrangements.

h) Modification 0384 - UNC Modification Rules; housekeeping, clarity and minor drafting changes

CS introduced the modification and its aims. PB asked if the change required a modification or could be dealt with through the Consent to Modify process. RHe felt that the changes were further than those allowed by the consent process.

CWa asked about the intention regarding the reference to reviewing legal text, which is included in square brackets in the modification. CS was open to suggestions regarding areas of the modification rules that should be reviewed.

Following discussion, Members determined that Modification 0384:

- is not related to the Significant Code Review as it is not a related subject;
- meets the criteria for Self-Governance, with a Proposed Self-Governance Determination date of 20 October 2011, as it was felt

that the proposed changes were likely to clarify the existing process rather than introduce a material change;

- should be issued to a Workgroup for assessment, with a report presented by the November Panel.

i) Modification 0385 - Inclusion of DNOs as Users in User Pays Arrangements

RHe introduced the modification and its aims. ST pointed out that the aims are already being delivered, and gave an example. RHe suggested it would be appropriate to clarify the UNC in order to make it clear that this is acceptable.

RF asked if the modification would allow specific DNs to be charged for services rather than all DNs being included. Rhea confirmed this flexibility would be available in the same way as it is for the current User Pays process.

Following discussion, Members determined that Modification 0385:

- is not related to the Significant Code Review as it is not a related subject;
- meets the criteria for Self-Governance, with a Proposed Self-Governance Determination date of 15 September 2011, as it was felt that the proposed change would clarify and make more transparent the process by which DNs face a share of costs;
- should be issued to a Workgroup for assessment, with a report presented by the September Panel.

111.4 Consider Variation Requests

a) Modification 0326 - Allocation of unidentified gas following the appointment of the Allocation of Unidentified Gas Expert (AUGE)

LK introduced the modification and its aims. RHa asked if the modification is redundant due to Modification 0339 being implemented? CWa confirmed that the modification is not dependent on Modification 0339 as it does not change the aims, just the date it applies from. AM advised that the User Pays charges description in the modification is not aligned with other AUGE related charges. LK confirmed that the intention was to be consistent.

Some Members felt that reconciling back to April 2012 rather than 2011 would not affect consultation responses, and hence the change should be regarded as immaterial. However, others felt that a change of date is material. Members then failed to determine unanimously that the variation to Modification 0326 is immaterial.

Since the Variation to 0326 is material, Modification 0326V was considered as a new proposal.

Following discussion, Members determined that Modification 0326V:

- is not related to the Significant Code Review as it is not a related subject;
- does not meet the criteria for Self-Governance since it may impact the allocation of costs under the AUGE arrangements and so have a material impact on competition between Shippers;
- should be issued to Consultation;
- that legal text was required for inclusion in the draft Modification Report;
- that a cost estimate was required for inclusion in the draft Modification Report.

111.5 Consider Legal Text and Cost Estimates

- a) Modification 0326 - Allocation of unidentified gas following the appointment of the Allocation of Unidentified Gas Expert (AUGE)

Members noted that 0326 had been deemed withdrawn and replaced by Modification 0326V.

111.6 Consider Workgroup Issues

Workgroup Reports for Consideration

- a) Modification 0330 - Delivery of additional analysis and derivation of Seasonal normal weather

TD advised that the Workgroup recommended that the modification was sufficiently developed to be issued to consultation and that legal text should be requested for inclusion in the DMR.

RHe expressed concerns that the proposal does not describe what is proposed sufficiently accurately to support consultation responses. For example, the obligations on Transporters are unclear regarding what is to be delivered. ST confirmed that the modification is sufficiently clear for legal text to be provided and that the Workgroup had considered a version of the draft text prior to concluding their report.

Members determined that Modification 0330:

- should proceed to consultation;
- that a cost estimate was not required for inclusion in the draft Modification Report;
- that legal text was required for inclusion in the draft Modification Report.

- b) Modification 0331 - Demand Estimation Section H Changes to Processes and Responsibilities.

TD advised that the Workgroup recommended that the modification is sufficiently developed to be issued to consultation and that legal text should be provided for inclusion in the DMR. JM was concerned that the Workgroup had not undertaken a detailed review of the legal text when completing the Workgroup report, though the proposer had advised they were content with the draft text.

Members determined that Modification 0331:

- should proceed to consultation;
- that a cost estimate was not required for inclusion in the draft Modification Report;
- that legal text was required for inclusion in the draft Modification Report.

- c) Modification 0343 - The ability and requirement for Users and Transporters to raise issues to be considered by the Allocation of Unidentified Gas Expert as “known” issues.

TD advised that the Workgroup recommended that the modification is sufficiently developed to be issued to consultation and that legal text should be provided for inclusion in the DMR.

Members determined that Modification 0343:

- should proceed to consultation;
- that a cost estimate was not required for inclusion in the draft Modification Report;
- that legal text was required for inclusion in the draft Modification Report.

Extensions Requested

- a) Modification 0294 - Changes to UNC Modification Panel Constitution

CWr advised of the changes he is likely to include in a revised modification. However, as the modification includes suggested changes to the modification rules, a substantial change is required in order to reflect the change stop the modification rules since the proposal was raised. Therefore he was hoping for an extension to the date when a report to Panel is due.

TD pointed out that the development time could not be extended without permission from Ofgem. DI advised that Ofgem are unlikely to agree an extension and would support the modification being withdrawn and re-raised under the new modification rules.

CWr indicated that, given that no extension would be permitted, he was likely to withdraw Modification 0294.

- b) Modification 0316 - Review of Section I of the Offtake Arrangements Document (OAD): NTS Operational Flows

Members determined unanimously to extend the time for the Workgroup to report until August 2011.

- c) Modification 0329 - Review of Industry Charging and Contractual Arrangements – DM Supply Point Offtake Rates (shqs) and DM Supply Point Capacity (soqs)

Members determined unanimously to extend the time for the Workgroup to report until August 2011.

- d) Modification 0356 - Demand Data for the NTS Exit (Flat) Capacity Charges Methodology (*subject to Ofgem not objecting*)

Ofgem raised no objections to the proposed extension. Concerns were raised around the time required to report to Panel and the potential requirement for a Regulatory Impact Assessment to meet an implementation date prior to August 2012.

Members determined unanimously to extend the time for the Workgroup to report until November 2011.

- e) Modification 0363 - Commercial Arrangements for NTS Commingling Facilities (*subject to Ofgem not objecting*)

Ofgem raised no objections to the proposed extension. RS was concerned that investment decisions may be dependent on the conclusion of this modification and therefore assessment should not be delayed.

Members determined unanimously to extend the time for the Workgroup to report until September 2011.

- f) Modification 0365 - National Grid NTS Initiated Flow Swaps

Members determined unanimously to extend the time for the Workgroup to report until August 2011.

- g) Modification 0372 - Code Governance Review Licence Compliance Changes

Members determined unanimously to extend the time for the Workgroup to report until July 2011.

- h) Modification 0374 - Interruptible to Firm – Supply Point Transition

Members determined unanimously to extend the time for the Workgroup to report until July 2011.

111.7 Existing Modification Proposals for Reconsideration

a) Modification 0314 - The provision of a “Data Update” to Non Code Parties

ST had requested that the modification be discussed at Panel now that the scope of ESTA and the circumstances outside of UNC had changed. TD advised the Panel of their options: they can defer consideration; write to Ofgem seeking an indication of a decision date; or issue the modification for a further round of consultation. TD confirmed that the proposer could not withdraw the modification as it was with Ofgem for a decision.

RS questioned whether people change their responses now the scope of ESTA had changed and it looks as though the modification is no longer required – this could be seen as justifying further consultation.

ST was in favour of seeking a formal View from Ofgem as to whether the modification should proceed as, given the circumstances, he did not think the modification was required. Others felt that Ofgem could provide a view by deciding whether or not to direct implementation of the modification as it stands.

The Panel unanimously agreed to defer consideration of the modification.

b) Modification 0349 - Introduction of a Force Majeure Capacity Management Arrangement

CS advised that comments had now been received on the legal text from the proposer. Legal text is to be provided to Ofgem once finalised.

The Panel unanimously agreed to defer consideration of the modification.

111.8 Consider Final Modification Report

There were no Final Modification Reports to consider.

111.9 Any Other Business

a) Request for Legal text

On behalf of Ofgem, DI requested the provision of legal text for Modification 0348.

b) SO incentives for renewal 2012/13

RHe advised that National Grid NTS would welcome views on the best timing for meetings to discuss SO incentives which are due for renewal during 2012/13. Members suggested holding any such meeting immediately following a Transmission Workgroup.

111.10 Conclude Meeting and Agree Date of Next Meeting

10:30 16 June 2011, at the ENA