

0566S:

UNC modification stakeholder engagement and Guidelines

- 01 Modification
- 02 Workgroup Report
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This modification seeks to introduce new steps into the Modification Rules to promote pre-modification stakeholder engagement through the introduction of a UNC Modification Proposal Guidance Document, additional time for critical friend activities and enhanced Panel powers in requiring further modification development



The Workgroup recommends that this self-governance modification should now proceed to consultation.



High Impact:
None



Medium Impact:
None



Low Impact:
All parties

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About this document:		 As above
This report will be presented to the panel on 21 January 2016.		Systems Provider: n/a
The panel will consider whether the modification should proceed to consultation or be returned to the workgroup for further assessment.		 n/a
The Proposer recommends the following timetable:		 n/a
Initial consideration by Workgroup	04 December 2015	Additional contacts: n/a
Workgroup Report presented to Panel	21 January 2016	 n/a
Draft Modification Report issued for consultation	21 January 2016	 n/a
Consultation Close-out for representations	11 February 2016	
Final Modification Report available for Panel	12 February 2016	
UNC Modification Panel decision	18 February 2016	

1 Summary

Is this a Self-Governance Modification?

This modification is proposed to under Self Governance procedures because it is not expected to have a material impact on the UNC Modification Rules since it only adds clarification of process and additional guidance; no existing rights are eroded.

Why Change?

Under-developed UNC modifications lead to extensive assessment periods once they reach workgroups, which consumes industry time and effort. With the addition of targeted stakeholder engagement, either in workgroups or on a one-to-one basis, prior to the modification being raised this could be avoided saving valuable time and resources.

Solution

1. To introduce a UNC Modification Proposal Guidance Document that sets out the minimum requirements for Proposers of UNC modifications.
2. To clarify that a minimum of 3 business days are available for critical friend activities between modification submission and circulation of Panel Papers.
3. To clarify UNC Panel powers in deferring a decision on under-developed modifications.

Relevant Objectives

This modification will have a positive impact on Relevant Object f) by promoting efficiency in the implementation of administration of the code by ensuring modifications are well developed prior to submission to the Panel. This will save both industry and UNC Secretariat time and effort during the formal modification procedures.

Implementation

As soon as the modification template can be updated following a decision.

Does this modification impact a Significant Code Review (SCR) or other significant industry change projects, if so, how?

N/A

2 Why Change?

In recent years the focus on targeted stakeholder engagement has increased across the industry to the benefit of customers, parties and processes. Engagement at the right levels can greatly aid and guide potential process changes. Although the UNC has formal engagement through workgroups and consultations there is currently no formal process in place to encourage pre-modification engagement with relevant industry parties. We believe that such steps would greatly benefit the timely assessment and progression of potential modifications.

Recently Panel has been presented with some under-developed modifications that have not clearly demonstrated that it is a valid code matter and what the direct or in-direct impacts on parties are. This has in the past resulted in lengthy workgroup discussions and more recently, Panel deferring decision on a modification hence adding to the already significant timescales.

Please note, this is not suggested to hinder or delay the modification process by introducing red tape but to make the modification journey more efficient for all industry parties.

In this modification we propose creating additional industry guidance prior to and during the modification raising process, additional time to allow critical friend activities and to formalise Panel powers in order to request further development a modification prior to sending for workgroup assessment. For the avoidance of doubt, Panel will not have the power to reject modifications, only to refer them back to the Proposer for further development before progression in the normal way.

3 Solution

We propose a three stage solution:

1. Introduction of a UNC Modification Proposals Guidance Document. The document, published alongside this modification, sets out key steps which Proposers will have regard to when considering raising a change to the Code.
2. Clarifying the modification rules so that modifications shall be submitted to the Secretary not later than 8 business days prior to a meeting of the Panel to qualify for discussion at that meeting but only be required for circulation to Panel and the industry 5 business days prior to the meeting to allow critical friend guidance.
3. On receipt, Panel shall be entitled to request further development of a modification prior to taking a decision on the next step (e.g. issue to a workgroup or direct to Consultation). In such cases, Panel should clearly set out specific areas to be developed and any questions to be answered. For clarity – Panel may take this decision where the mod does not sufficiently justify that it is indeed a code matter, where the impacts have not been fully developed or other relevant circumstances but we do not intend to restrict their decisions by defining each instance in code. Panel will only be able to exercise this right once per modification.

User Pays	
Classification of the modification as User Pays, or not, and the justification for such classification.	No User Pays service would be created or amended by implementation of this modification and it is not, therefore, classified as a User Pays Modification
Identification of Users of the service, the proposed split of the recovery between Gas Transporters and Users for User Pays costs and the justification for such view.	N/A
Proposed charge(s) for application of User Pays charges to Shippers.	N/A
Proposed charge for inclusion in the Agency Charging Statement (ACS) – to be completed upon receipt of a cost estimate from Xoserve.	N/A

4 Relevant Objectives

Impact of the modification on the Relevant Objectives:	
Relevant Objective	Identified impact
a) Efficient and economic operation of the pipe-line system.	None
b) Coordinated, efficient and economic operation of (i) the combined pipe-line system, and/ or (ii) the pipe-line system of one or more other relevant gas transporters.	None
c) Efficient discharge of the licensee's obligations.	None
d) Securing of effective competition: (i) between relevant shippers; (ii) between relevant suppliers; and/or (iii) between DN operators (who have entered into transportation arrangements with other relevant gas transporters) and relevant shippers.	None
e) Provision of reasonable economic incentives for relevant suppliers to secure that the domestic customer supply security standards... are satisfied as respects the availability of gas to their domestic customers.	None
f) Promotion of efficiency in the implementation and administration of the Code.	Positive
g) Compliance with the Regulation and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators.	None

This modification will have a positive impact on Relevant Objective f) Promotion of efficiency in the implementation and administration of the Code by ensuring modifications are well developed prior to submission to the Panel. This will save both industry and UNC Secretariat time and effort during the formal modification procedures.

5 Implementation

As self-governance procedures are proposed, implementation could be sixteen business days after a Modification Panel decision to implement, subject to no Appeal being raised.

The Joint Office will update modification templates, which sit outside of the UNC, to include the revised guidance.

6 Impacts

Does this modification impact a Significant Code Review (SCR) or other significant industry change projects, if so, how?

No

7 Legal Text

Text Commentary

The first part of the legal text has been developed using similar principles as previously applied to the Legal Text Guidance Document.

We commenced by setting out a definition of the Modification Proposal Guidance Document that will be a related UNC document amendable to the UNC Panel. The text then goes on to add that parties shall take the guidance document into account when raising new UNC modifications.

For the second point of the Solution, to allow the Joint Office further time for critical friend activities, we have inserted a “for the avoidance of doubt” statement as the timescales suggested are already allowed for within other sections of the Modification Rules.

The final point sets out to allow Panel to refer a modification back to the proposer for further development. The legal text here has been taken from the IGT UNC for best practice. It has then been clarified that this power may only be used once for each modification and that Panel will submit any questions along with their request.

Text

Section 2.1 – Defined Terms

“Modification Proposal Guidance Document”: the guidance document published by the Transporters which contains guidance in respect of the development of new Modification Proposals pursuant to these Rules.

Section 6.2 – Content of Modification Proposal – insert new paragraph

6.2.1 Each Modification Proposal made pursuant to paragraphs 6.1.1 or 6.1.2 shall set out the information and be in the form specified in the Code of Practice and:

- (q) shall have regard to the Modification Proposal Guidance Document which may be amended only by a determination of the Modification Panel in accordance with paragraph 5.1.2(a)

Section 7.1 – Circulation of Modification Proposals – new Text

7.1.3 For the avoidance of doubt, where a Modification Proposal is received 8 Business Days prior to the date of the next meeting of the Modification Panel the secretary shall take the relevant action as per 7.1.1(b) by 5 Business Days prior to the next meeting of the Modification Panel

Section 7.2.3 – Discussion of Modification Proposals – add underlined Text

- (b) a Modification Proposal:
- (i) subject to paragraph 7.2.3(d), should proceed to Consultation in accordance with paragraph 7.3; or
 - (ii) should be referred to a Workgroup for Workgroup Assessment in accordance with paragraph 7.5 (and the Modification Panel may determine the Terms of Reference for such work (including terms as to the identity of any third parties to be consulted) and the date upon which it requires the Workgroup to submit its Workgroup Report); ~~or~~
 - (iii) should be deferred to a subsequent meeting of the Modification Panel for further discussion; or
 - (iv) be implemented, subject to unanimous determination under 7.2.3(a)(ii) that Fast Track Self-Governance Criteria are satisfied and subject to Panel determining unanimously that the Modification Proposal be implemented; or
 - (v) be referred back to the Proposer for further development

7.2.10 Where the Modification Panel determines that 7.2.3(b)(v) applies they shall:

- (a) set out the questions to be answered and specify any areas for further development by the Proposer;
- (b) only be entitled to exercise this vote once per Modification Proposal

8 Recommendation

The Workgroup invites the Panel to:

- AGREE that this self-governance modification should be submitted for consultation.