

## Representation - Modification UNC 0790 (Urgent)

### Introduction of a Transmission Services Entry Flow Charge

**Responses invited by: 5pm on 06 December 2021**

**To:** [enquiries@gasgovernance.co.uk](mailto:enquiries@gasgovernance.co.uk)

*Please note submission of your representation confirms your consent for publication/circulation.*

<b>Representative:</b>	Gerry Hoggan
<b>Organisation:</b>	Scottish Power
<b>Date of Representation:</b>	6 <sup>th</sup> December 2021
<b>Support or oppose implementation?</b>	Oppose
<b>Relevant Objective:</b>	d) Negative
<b>Relevant Charging Methodology Objective:</b>	aa) Negative c) Negative

#### **Reason for support/opposition: Please summarise (in one paragraph) the key reason(s)**

We do not believe the case has been made that the proposal is compliant with the EU Tariffs Network Code which is fully applicable in UK law. In particular, it appears to be at odds with Article 4.3, which requires that “transmission services revenue shall be recovered by capacity-based transmission tariffs”, and Article 35 which details the protection afforded to existing contracts.

Whilst we understand and appreciate the difficulty trying to be resolved and the resultant impacts on the charge setting process, those issues would not appear to justify any less of a regard for the compliance issues involved, nor subjecting the proposal to a less rigorous compliance examination than has been the case in previous charging proposals.

Moreover, we believe that the use of urgent procedures has not allowed for a full examination of the issues or appropriate development, either of this proposal or any possible Alternative(s). Nor is it clear to us that some other expedited process could not have been utilised that would still have allowed the proposal to be completed within the timescales necessary for implementation ahead of October 2022, while, more significantly, still retaining the full governance safeguards lost by the adoption of urgent procedures.

**Implementation:** *What lead-time do you wish to see prior to implementation and why?*

We do not believe that the proposal should be implemented without a rigorous compliance assessment

**Impacts and Costs:** *What analysis, development and ongoing costs would you face?*

None anticipated although time has not allowed for any full assessment to be carried out.

**Legal Text:** *Are you satisfied that the legal text will deliver the intent of the Solution?*

No legal review has been conducted of the full legal text in the time available

**Are there any errors or omissions in the Modification that you think should be taken into account?** *Include details of any impacts/costs to your organisation that are directly related to this.*

None identified to this point

**Please provide below any additional analysis or information to support your representation**

None