

UNC Modification Panel
Minutes of Meeting 234 held on Thursday 22 November 2018
By Teleconference

Attendees

Voting Members:

Shipper Representatives	Transporter Representatives	Consumer Representatives
A Green (AG), Total D Fittock (DF), Corona Energy G Wood (GW), Centrica M Bellman (MB), ScottishPower R Fairholme (RF), Uniper	C Warner (CW), Cadent D Lond (DL), National Grid NTS H Chapman (HC), SGN R Pomroy (RP), Wales & West Utilities T Saunders (TS), NGN	

Non-Voting Members:

Chairperson	Ofgem Representative	Independent Supplier Representative
M Shurmer (PG)	J Dixon (JD)	

Also in Attendance:

H Bennett (HB), Joint Office; L Biginton (LB), Observer, R Hailes (RH), Secretary; E Lyndon (EL), Xoserve; A Miller (AM), Xoserve.

Record of Discussions

Introduction

MS welcomed all attendees, introduced the meeting and then set out the order of business. MS explained that this extraordinary meeting had been arranged solely to consider the Final Modification Report 0673 (Urgent).

J Atherton had given his voting instructions by email in advance to M Shurmer who had agreed to exercise the votes in accordance with the instructions.

234.1 Note of any alternates attending meeting

A Green for S Mulinganie

234.2 Record of Apologies for absence

J Atherton (JA), Citizen's Advice

S Mulinganie (SM), Gazprom

234.3 Final Modification Reports

a) Modification 0673 (Urgent) - Amendment of UNC and DSC

arrangements to enable Xoserve to bid for and provide CSS Services

Panel discussion: see the Final Modification Report published at:

<https://www.gasgovernance.co.uk/0673>

Post Meeting Note 1: Xoserve's legal response in relation to a previous Modification 0666 was not previously published as advised by A Miller in the Panel Meeting but was summarised by A Miller after the meeting as follows:

In response to an item raised by SGN on the DSC Terms and Conditions Clause 12.5 Indemnity, AM clarified that this question had arisen during the development of modification 0666. Xoserve had obtained a legal view on the purpose of Clause 12.5 and this was summarised as:

"The view is the customer indemnity is intended to cover (customer in this context is anyone party to the DSC, i.e. not DCC or a customer to them):

- Claim made against CDSP by any person connected with the Customer in connection with any DSC service – this would not require GTs or GTs to indemnify in respect of claims DCC might bring.
- Damage to UK Link or data due to Customer - no impact.

Neither of which are relevant in the context of anything that the CSS Bid Group discuss or the CDSP does in the context of the CSS Procurement."

Post Meeting Note 2: J Cooper's vote was wrongly noted as he was not present at the meeting and had not given voting instructions in advance to anyone. On the telephone, his name was confused with J Atherton's by the Panel Chair. (The Panel Chair had accepted J Atherton's vote and written voting instructions). The vote outcome was originally recorded as 13 votes out of 13 in favour. Instead, this post meeting note explains that the vote was as follows:

Panel Members voted unanimously with 12 votes in favour (out of a possible 12) and agreed to recommend implementation of Modification 0673 (Urgent).

The vote outcome was unchanged: Members voted unanimously to recommend the implementation of Modification 0673 (Urgent).

234.4 AOB

None

234.5 Date of Next Meeting

10:30, Thursday 20 December 2018, at Elexon.