

Judicial Review

Claim Form

Notes for guidance are available which explain how to complete the judicial review claim form. Please read them carefully before you complete the form.

In the High Court of Justice
Administrative Court



For Court use only	
Administrative Court Reference No.	CO/S428/2007
Date filed	29/6/07

SECTION 1 Details of the claimant(s) and defendant(s)

Claimant(s) name and address(es)

name
Accelerate Energy LP and Seal Sands Gas Transportation Ltd

address
c/o Watson, Farley & Williams LLP
15 Appold Street
London EC2A 2HB
Ref: HUTA1/SPEJ1/23301.50002

Telephone no. 020 7814 8000 **Fax no.** 020 7814 8141

E-mail address

Claimant's or claimant's solicitors' address to which documents should be sent.

name
Watson, Farley & Williams LLP

address
15 Appold Street
London EC2A 2HB
Ref: HUTA1/SPEJ1/23301.50002

Telephone no. 020 7814 8000 **Fax no.** 020 7814 8141

E-mail address

Claimant's Counsel's details

name
Alan Griffiths/ Ben Jaffey

address
One Essex Court/ Blackstone Chambers
Temple/ Temple
London/ London
EC4Y 9AR/ EC4Y 9BW

Telephone no. 020 7583 2000/ 1770 **Fax no.** 020 7583 0118/ 7822 7350

E-mail address
clerks@oeclaw.co.uk / clerks@blackstonechambers.com

1st Defendant

name
Gas and Electricity Markets Authority

Defendant's or (where known) Defendant's solicitors' address to which documents should be sent.

name
Herbert Smith LLP

address
Exchange House
Primrose Street
London EC2A 2HS
(Ref:2066/8223/6704/30877894)

Telephone no. +44 (0) 20 7374 8000 **Fax no.** +44 (0) 20 7374 0888

E-mail address

2nd Defendant

name

Defendant's or (where known) Defendant's solicitors' address to which documents should be sent.

name

address

Telephone no. **Fax no.**

E-mail address

Details of other interested parties

Name and address and, if appropriate, details of DX, telephone or fax numbers and e-mail

National Grid Gas Plc (FAO: Karen Clayton)

address
National Grid House
Warwick Technology Park
Gallows Hill
Warwick CV34 6D

Telephone no

Fax no.

E-mail address

name

address
Other users of the NTS are or may be interested parties. The Claimants propose that the service on any such parties should be effected by publications on the website of the Joint Office established under Condition A12 of the NTS License and will request that the Court so directs

Telephone no

Fax no.

E-mail address

SECTION 3 Details of the decision to be judicially reviewed

Decision:
(1) Decision to reduce amend NGG's NTS License to reduce baseline entry capacity at Teesside from 761 GWh/day to 361 GWh/day; (2) Rejection of proposed modification 151A to the Uniform Network Code ("UNC"); (3) Ongoing failure to ensure the introduction of a baseline capacity transfer mechanism; (4) Ongoing failure to ensure revisions to the regime in the interpretability regime in the UNC to satisfy the requirements of the Teesside GasPort; and (5) Ongoing failure to ensure that the energy arrangements for the NTS enable the GasPort to operate as planned

Date of decision:
(1) 30 March 2007; (2) 12 June 2007; (3) Ongoing; (4) Ongoing; and (5) Ongoing

Name and address of the court, tribunal, person or body who made the decision to be reviewed.

name
Gas and Electricity Markets Authority

address
9 Millbank
London SW1P 3GE

SECTION 4 Permission to proceed with a claim for judicial review

I am seeking permission to proceed with my claim for Judicial Review.

Are you making any other applications? If Yes, complete Section 7. Yes No

Is the claimant in receipt of a Community Legal Service Fund (CLSF) certificate? Yes No

Are you claiming exceptional urgency, or do you need this application determined within a certain time scale? If Yes, complete Form N463 and file this with your application. Yes No

Have you complied with the pre-action protocol? If No, give reasons for non-compliance in the space below. Yes No

Does the claim include any issues arising from the Human Rights Act 1998? If Yes, state the articles which you contend have been breached in the space below. Yes No

Detailed statement of grounds

set out below

attached

SECTION 6 Details of remedy (including any interim remedy) being sought

- (1) An order quashing the decision of 30 March 2007 reducing the baseline entry capacity for Teesside.
- (2) An order quashing the refusal of proposed modification of 151A.
- (3) A mandatory order requiring GEMA to introduce a capacity transfer mechanism forthwith.
- (4) A mandatory order requiring GEMA to take steps to ensure that NGG complies with its undertaking given on 4 May 2007 to propose a modification to the UNC to revise the interpretability regime so as to satisfy the requirements of the Teesside GasPort and requiring GEMA to ensure that such revisions are introduced into the UNC.
- (5) A mandatory order requiring GEMA to consider what modifications are required to the NTS entry arrangements (including amendments of the Teesside baseline entry capacity level) so as to enable the Teesside GasPort to operate as planned, and to take steps to ensure that such modifications are introduced.
- (6) Remittal of (1) and (2) for reconsideration.
- (7) Costs

SECTION 7 Other applications

I wish to make an application for:-
Disclosure of all documents held by GEMA and/or Ofgem

- (a) recording and/or referring to and/ or prepared or used in connection with the sensitivity analysis referred to in paragraph 1.14 of Appendix 9 to GEMA's updated proposals dated 25 September 2006;
- (b) referring to (i) the GasPort; (ii) the capacity requirements of the GasPort and/ or (iii) the capacity requirements of the NTS Teesside entry point; and
- (c) relating to and/or recording all exchanges between GEMA/Ofgem and NGG concerning GEMA's decision to reduce the entry capacity baseline at Teesside

SECTION 8

Statement of facts relied on

See the witness statement of Robert Allen Bryngelson dated 27 June 2007

Statement of Truth

~~I believe~~ (The claimant believes) that the facts stated in this claim form are true.

Full name DAVID FOSTER

Name of claimant's solicitor's firm Watson, Farley & Williams LLP

Signed

David Foster
Claimant ('s solicitor)

Position or office held

Partner
(if signing on behalf of firm or company)

9 **Supporting documents**

If you do not have a document that you intend to use to support your claim, identify it, give the date when you expect it to be available and give reason why it is not currently available in the box below

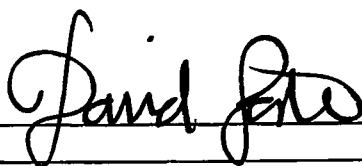
Please tick the papers you are filing with this claim form and any you will be filing later.

- Statement of grounds included attached
- Statement of the facts relied on included attached
- Application to extend the time limit for filing the claim form included attached
- Application for directions included attached
- Any written evidence in support of the claim or application to extend time
- Where the claim for judicial review relates to a decision of a court or tribunal, an approved copy of the reasons for reaching that decision
- Copies of any documents on which the claimant proposes to rely
- A copy of the legal aid or CSLF certificate *(if legally represented)*
- Copies of any relevant statutory material
- A list of essential for advance reading by the court *(with page references to the passages relied upon)*

Reasons why you have not supplied a document and date when you expect it to be available:-

All relevant supporting materials are included in the bundle

Signed



Claimant ('s Solicitor)