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Modification Proposal 0286 / 0286A: Extending Modification Panel Voting Rights to (a) Consumer Representative(s)

Dear Bob,

We welcome the opportunity to comment on this modification proposal. This response is provided on behalf of RWE npower and RWE Supply and Trading GmbH. We do not support implementation of Modification Proposal 0286 or Modification Proposal 0286A.

In principle, we believe that having a voting consumer representative on the UNC Modification Panel can improve the modification process and we agree that extending consumer representative voting rights is consistent with Ofgem's Industry Codes Governance Review and brings the UNC in line with best practice in other industry codes. However, the current UNC Panel structure, in particular the voting balance between Users and Transporters, was specifically designed following the completion of the DN sales to be consistent with the newly established right of appeal to the Competition Commission.

Introduction of a voting consumer representative represents a fundamental change in the structure of the UNC Modification Panel and we do not believe that implications have been fully considered. Furthermore, it is unclear whether these proposals meet fully Ofgem's objectives in this area and there is at least one other related Modification Proposal currently being considered. Rather than implement a partial solution based on limited voting rights (0286A) or making piecemeal changes, our preference would be to develop a single modification proposal within Review Group 0267 so that all potential consequences can be fully considered and a coherent and enduring solution implemented.

We hope these views are helpful and would be happy to discuss matters further.

Yours sincerely

By Email So Unsigned

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