

Uniform Network Code Committee

Minutes of the 69th Meeting Held on Thursday 18 November 2010

at ENA, 52 Horseferry Road, London

Members Present:

Transporter Representatives: R Hewitt (National Grid NTS), C Warner (National Grid Distribution), J Ferguson (Northern Gas Networks), J Martin (Scotia Gas Networks) and S Trivella (Wales & West Utilities)

User Representatives: C Wright (British Gas Trading), P Broom (GdF Suez), R Fairholme (E.ON UK) and S Leedham (EDF Energy)

Independent Suppliers' Representative: C Hill (First Utility)

Consumer Representative: R Hall (Consumer Focus)

Ofgem Representative: C Cameron

Joint Office: T Davis (Chair) and B Fletcher (Secretary)

Observers Present: A Raper (National Grid Distribution), A Ross (Northern Gas Networks), D Burrows (Ofgem), S Ellwood (TPA Solutions) by teleconference) and S Pearce (RWE npower)

Note of any alternates attending meeting

P Broom for A Bal (Shell) and J Martin for A Gibson (Scotia Gas Networks)

69.1 Record of Invitees to the meeting

None

69.2 Record of apologies for absence

A Bal and A Gibson

69.3 Monthly Reports from Sub-Committees

a) Proposal 0341- Manifest Errors in Entry Capacity Overruns

R Fairholme asked what role the UNCC expected to undertake in the proposed process. He noted that the UNCC has not had a financial approval role previously, and questioned whether consideration of manifest error claims should be a deferred to a sub-committee with appropriate expertise.

S Trivella was not convinced that the UNCC is the appropriate body for these decisions as a number of the parties (particularly DNOs) have no concern with the process/impacts. R Hall did not see a role for the consumer representative in these decisions, but noted that if the Proposal is changed to a sub Committee, the UNCC needs to defines its constitution.

R Fairholme considered there could be constituency issues as Shipper UNCC

members are appointed by the Gas Forum to represent a number of parties. S Ellwood clarified that the Proposal required that Members should act independently and assess any claim on its merits.

C Wright considered it useful to have Transporters involved in order to provide an impartial view. However, if the Transporters are unwilling to take part this needs to be known in advance such that an alternative structure can be identified.

R Hewitt clarified that National Grid NTS can only advise what has been input into its system - they cannot decide whether that was an error or deliberate action. Any decision on this must be left to the UNCC. T Davis confirmed that the Proposal puts the onus on the claiming Shipper to demonstrate an error has been made.

P Broom asked if the UNCC has sufficient authority to be able to make such a decision as opposed to a recommendation. S Ellwood believed the Proposal would provide the necessary authority by enshrining it within the UNCC. However, Gas Terra was also working on a Proposal which would allow parties to be able to appeal any UNCC decision to Ofgem.

C Hill indicated that there are precedents for processes of this kind in other industry codes. He believed that the test and decision is the key issue since any manifest error should be easy to identify regardless of an individual's knowledge.

S Leedham did not consider it efficient to form a subcommittee that would meet very infrequently and felt it better to use an existing process. T Davis reminded all that at least one claim is expected to be raised should the Proposal be implemented, and questioned whether Members were looking for a different way in which to meet this new role?

J Ferguson was unsure who would manage the process on the UNCC's behalf. C Wright questioned whether independent determination by experts would be an alternative.

T Davis asked if the UNCC wished to submit a representation to the Proposal. Members considered this may be appropriate but would be dependent on any changes to the Proposal. However, the general consensus was that this was a role which the UNCC could and would undertake if necessary, and that appointment of a standing sub-Committee was unlikely to be appropriate.

69.4 Matters of Implementation

None raised

69.5 Any Other Business

None raised

69.6 Next Meeting

The Committee noted the date and time of the next meeting as:

Thursday 16 December 2010, at the ENA, immediately after the Modification Panel meeting.

Action Ref	Meeting Date(s)	Minute Ref	Action	Owner*	Status Update