

Subject: Xoserve Comments on Modification 0691S legal text

1.11.9 Registered Users shall take all steps necessary to ~~facilitate~~ **facilitate** the measures described in paragraphs 1.11.6 and 1.11.7. as may be requested by any Party, including but not limited to facilitating the installation of Transporter Daily Read Equipment.

As this clause states Registered Users shall facilitate obligations stated under 1.11.6 and 1.11.7, this includes the DM Equipment being installed. Based on this, we do not think an additional clause is required to cover the DM Equipment installation. Worth noting there is a typo within this clause which I have highlighted above which needs to be corrected.

We have reviewed the rest of the legal text and have got some comments which would be beneficial to discuss in the WG tomorrow.

Those comments in **green** are where we believe the legal text does not reflect the Modification and this needs to be addressed. Comments in **orange** relate to the currently proposed Modification solution and where we believe a slight change in the solution could be beneficial.

- 1.11.6 If the CDSP **believes** a Registered User is in breach of its obligation in paragraph 1.11.2 to reclassify a Class 2, 3 or 4 Supply Meter Point to a Class 1 Meter Point arising solely from a failure to reclassify on the basis of the Annual Quantity at that Supply Meter Point having become equal to or greater than the Annual Quantity specified in Section G1.5.3(b) (calculated by reference to Section G 1.6.15) it shall, as soon as reasonably practicable, notify the Registered User of the same and request such Registered User to make a Supply Point Reconfirmation or Supply Point Amendment (as appropriate) in respect of the Supply Meter Point or to provide details of why no such measure is required.
Majority of the information within this clause is already in code (M1.11.2 and G1.6.15). Can the duplication be removed and this clause simply state that the CDSP will notify the Registered User where they have met the Class 1 qualifying criteria and need to be reclassified? Also the CDSP 'believes' should be removed. It wouldn't be at the discretion of the CDSP to decide, it is based on the threshold being met which is already detailed in code.
- 1.11.7 If, following a request made pursuant to paragraph 1.11.6, the CDSP has not received from the Registered User either a Supply Point Reconfirmation, **or** a Supply Point Amendment **or details of why no such measure is required** in respect of the Meter Supply Point Supply Meter Point within a period of 28 (twenty eight) Supply Point System Business Days, the CDSP shall:
I cannot see where the highlighted and struck through text is detailed within the Modification. It does not appear to be within the solution therefore we don't believe it should be included within the legal text. Essentially if a site meets the Class 1 threshold, they will have 28 days to reclassifying via Reconfirmation or Supply Point Amendment. We cannot see within the Modification anything regarding the Shipper stating why the site shouldn't be Class 1 and therefore this sentence should be removed.
Minor grammatical update but we believe a comma is required after Supply Point System Business Days (added above). This is to make it clear that the Shipper has 28 days to reclassify rather than the CDSP reclassifying within 28 days.
- 1.11.7 (a) **deem** that a Supply Point Reconfirmation or Supply Point Amendment (as it considers appropriate) has been received pursuant paragraph 1.11.2 in respect of

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that Supply Meter Point requesting the reclassification of that Supply Meter Point as a Class 1 Supply Meter Point;

We do not believe this should be the CDSP 'deem' the Reconfirmation or Supply Point Amendment. The CDSP are given the authority to reclassify the site on the Shippers behalf. Can this be discussed and reworded by the legal text provider?

- 1.11.7 (b) require the Registered User to provide, **within 5 (five)** Supply Point Systems Business Days of the date of the CDSP's request, details of:

By this point, Shippers would have had 2 months to reclassify, another 28 days' notice to reclassify and a further 5 days to provide the details for the reclassification. Is there a reason for the further extension or could this be done in one notification?

For example, after the initial 2 months has occurred, when the CDSP send the notification to the Shipper under 1.11.6 stating they have 28 days to reclassify, Shippers within this notification could be notified that the default values stated under 1.11.7 (e) would be utilised if they do not state otherwise within the 28 days. If you are set on keeping the 5 additional days, could we give them 33 days (28 plus the additional 5), from the initial notification to provide the values.

Does this make sense and would you be willing to amend your Modification slightly to account for this change which we think would make the process more efficient?

- (i) the **Prevailing** requested Supply Point Capacity applicable to the Supply Meter Point;
- (ii) the requested Supply Point Offtake Rate applicable to the Supply Meter Point; and

We believe the intention in the Modification is to allow the Shipper to provide the SHQ and SOQ they want to be stated within the Reconfirmation or Supply Point Amendment. If this is the case, it shouldn't be the 'Prevailing' Supply Point Capacity, it should be the requested.

- (iii) ~~the Meter Reading applicable to the Supply Meter Point at the date on which the Supply Point Reconfirmation or Supply Point Amendment (as the case may be) was deemed to have been received by the CDSP;~~

We receive Class 1 reads within the DLC file sent directly from the DMSP.

For a Reconfirmation or Supply Point Amendment to move a site to Class 1, we would not utilise a Meter Reading. With this in mind, can this be removed from the Modification and legal text?

- 1.11.7 (d) if and to the extent that the Registered User provides the details requested pursuant to paragraph 1.11.7(b) within the timeframe set out in that paragraph, the CDSP shall incorporate them within the deemed Supply Point Reconfirmation or Supply Point Amendment;

If the CDSP uses the values provided by the Shipper for the Reconfirmation or Supply Point Amendment, under 1.11.7(d) it needs to confirm that these values will be subject to existing validation and could result in rejections or referrals if the validation checks are failed. In the case when the values cause a rejection, the default values under 1.11.7(e) should be used. Can this please be added to the legal text?

- 1.11.7 (e) (iii) ~~provide that the Meter Reading applicable to the Supply Meter Point at the date on which the Supply Point Reconfirmation or Supply Point Amendment was received shall be [determined in accordance with Section M 5.4.1(b)];~~

As previously mentioned, we do not require the Meter Reading and therefore believe this should be removed from the Modification and legal text.

- 1.11.7 (f) ~~liaise with the Transporter with regard to the installation of such Transporter Daily Read Equipment as may be appropriate in the circumstances; and~~

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1.11.7 (g) ~~advise the Registered User of the actions taken by the CDSP~~
Managing the installation of DM Equipment is already detailed in code under M6.9.4 and is the responsibility of the Transporter. Based on this, the obligations to arrange for equipment to be installed is already stated and both clauses 1.11.7 (f) and (g) should be removed as this is not a CDSP responsibility.

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