

Modification Panel Processes

August 2005

General Obligations

- Unless in Modification Rules
 - No ability to determine any matter
 - No competence to discharge any function
- Each Voting Member shall represent, and inform the Panel of, the views of their appointer

Panel Meetings

- May Determine
 - That observers be excluded from all or part of a Panel meeting
 - To invite any individual to attend all or part of a Panel meeting

Approval of Documents

- Chairman's Guidelines
 - Members may propose amendments
 - Amended by Panel Determination
- SME Code of Conduct
 - Amended by the Transporters
 - Determine consent to amendments
- SME Terms of Appointment
 - Amended by the Transporters
 - Determine consent to amendments

Form of Documents

- Panel may stipulate form which
 - Modification Proposals should take
 - Review Proposals should take

Occasional Determinations

- SME Acceptance
 - Determine nominees are suitably qualified and experienced
- Determine issues should be subject to Review Procedures
 - Subject matter of an urgent Modification
 - Any matter discussed at a Panel meeting,
- Issue documents
 - Determine to provide to any person a document derived from the application of the Modification Rules

Terms of Reference

- Workstreams may be created or dissolved by Panel Majority
- May determine:
 - to change ToR of any
 - Development Work Group
 - Modification Proposal referred to a Workstream
 - Review Group

Modification Proposals

- Discuss each new Modification Proposal at a Panel meeting
- Determine to discuss despite absence of Proposer
- Ask the Proposer's representative questions
- Consider whether there are any persons from whom representations should be invited

Modification Proposal Determination

- Determine whether Proposal should
 - Be subject to Review Procedures
 - Proceed to the Development Phase
 - Panel discuss and request the Transporters to finalise Terms of Reference
 - Proceed to the Consultation Phase
 - Determine the Subject Matter Expert
 - Be referred to a Workstream for discussion
 - Panel may determine Terms of Reference, including when it requires a report
 - Be deferred to a subsequent Panel meeting

Workstream Report

- As for new Proposal or
 - Determine should be referred back to Workstream

Development Work Group

- Panel may determine or approve
 - Composition of Development Work Groups
 - Invite representations at a meeting
 - Invite any Non-Code Party to nominate a representative to act as a member of, or to attend a meeting of, a Development Work Group

Development Work Group Guidance

- May give guidance, clarification or instructions
 - In response to requests from Development Work Groups
 - If determine to do so

Development Work Group Report

- Discuss reports received and determine
 - To refer Report back to the Work Group for revision or further work
 - To defer consideration to a subsequent Panel meeting
 - That the Proposal shall proceed to the Consultation Phase
 - Determine SME

Review Proposals

- May determine:
 - Whether Review Proposal be subject to review by a Review Group or Workstream
 - Terms of Reference, procedures and timetable of Review

Review Report

- Consider the report
 - Determine whether further work is needed
 - If Review Report includes a recommendation in the form of a Modification Proposal
 - Determine whether to support the recommendation

Treatment of Representations

- Panel Members may submit a response limited to the adequacy of the treatment of representations in the Modification Report with regard to the Relevant Objectives

Final Modification Report

- Assess whether the final Modification Report complies with the Mod Rules
- Determine whether or not to recommend implementation
 - Submit recommendation setting out the factors which justify its determination

Multiple Proposals

- If two Proposals on the same subject are proceeding through the Development Phase together
 - May determine Unanimously that only one should proceed
- Where two or more Proposals have proceeded together
 - Provide an analysis as to which would better facilitate the achievement of the Relevant Objectives

Request Reconsideration

- If with Ofgem for decision for four months (two if Urgent) or shorter period if Voting Member gives notice that circumstances have materially changed
- Subsequently Panel can determine to
 - Ask when a decision will be made
 - Issue Proposal for further representations
 - Defer consideration to a subsequent Panel meeting

Timescales

- When a number of Modification Proposals are being considered within the Development Phase at the same time
 - May determine to re-order and/or defer consideration of all or any Modification Proposal
- May determine to shorten or lengthen the time period within which any (or all) procedures is (or are) to be undertaken

Disapplication of Modification Rules

- May determine that it is appropriate to disapply any of the Modification Rules for a particular Proposal

Seeking a view

- If a view is sought on a Proposal
 - May determine to suspend (in whole or in part) consideration of that Proposal