

| UNC Modification | At what stage is this document in the process? |
|--|--|
| <h1 data-bbox="134 322 657 412">UNC 0841:</h1> <h2 data-bbox="129 452 1182 663">Introduction of cost efficiency and transparency requirements for the CDSP Budget</h2> | <div data-bbox="1209 309 1468 627"> <div style="border: 1px solid green; background-color: #00a651; color: white; padding: 5px; margin-bottom: 5px;">01 Modification</div> <div style="border: 1px solid #00a651; background-color: #e0f2f1; padding: 5px; margin-bottom: 5px;">02 Workgroup Report</div> <div style="border: 1px solid #00a651; background-color: #e0f2f1; padding: 5px; margin-bottom: 5px;">03 Draft Modification Report</div> <div style="border: 1px solid #00a651; background-color: #e0f2f1; padding: 5px;">04 Final Modification Report</div> </div> |
| <p>Purpose of Modification:</p> <p>The purpose of this Modification is to improve the ability of UNC Parties to fulfil their obligation jointly to control and govern the CDSP on an economic and efficient basis (under UNC General Terms, Section D, 1.4.4), through the introduction of explicit requirements for efficiency and greater transparency of the Budget.</p> | |
| <p>Next Steps:</p> <p>The Proposer recommends that this Modification should be:</p> <ul style="list-style-type: none"> • considered a material change and not subject to Self-Governance • assessed by a Workgroup <p>This Modification will be presented by the Proposer to the Panel on 16 March 2023. The Panel will consider the Proposer’s recommendation and determine the appropriate route.</p> | |
| <p>Impacted Parties:</p> <p>High: None</p> <p>Medium: CDSP, Shippers, Distribution Network Operators, Independent Gas Transporters</p> <p>Low: Consumers</p> <p>None:</p> | |
| <p>Impacted Codes:</p> <p>Independent Gas Transporters UNC</p> | |

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| Modification timetable: | | |
| Pre-Modification Discussed | 16 February 2023 | |
| Date Modification Raised | 03 March 2023 | |
| New Modification to be considered by Panel | 16 March 2023 | |
| First Workgroup Meeting | 20 March 2023 | |
| Workgroup Report to be presented to Panel | 16 November 2023 | |
| Draft Modification Report issued for consultation | 17 November 2023 | |
| Consultation Close-out for representations | 08 December 2023 | |
| Final Modification Report available for Panel (at short notice) | 11 December 2023 | |
| Modification Panel decision | 14 December 2023 | |
| | | |

 Any questions?

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1 Summary

What

This Modification proposes to provide for greater clarity of the content requirements for the Central Data Services Provider (CDSP) Annual Budget. Specifically, the current arrangements do not require the CDSP to demonstrate that the expenditure proposed is efficient and economic and that it represents value for money to its Customers. The proposed changes are intended to allow for greater scrutiny of the Budget by stakeholders.

Why

Business plan requirements:

UNC Parties are mandated by the UNC to utilise the CDSP's services and are responsible for challenging and scrutinising the CDSP's Costs. This is in line with the Authority's decision on the Funding Governance and Ownership model. Key elements of the Authority's decision include that the CDSP be subject to industry accountability and governance. Under UNC General Terms, Section D, 1.4.4:

*"Each Party undertakes that it will act and exercise its rights and powers under the DSC in relation to the CDSP so as **jointly to control and govern the CDSP on an economic and efficient basis**" [emphasis added]*

The Authority decided that the CDSP Budget¹ would be set via a consultative process and parties would work collaboratively to ensure that Costs are efficient and that the CDSP Budget is fit for purpose. The CDSP is obliged under the Data Services Contract (DSC) Budget and Charging Methodology (BCM) to produce an annual Budget according to the defined Annual Process. The DSC does not prescribe that the CDSP's Costs should be economic and efficient. Also, the DSC prescribes very little of the necessary information that must be included in the CDSP Budget to facilitate parties scrutinising the proposals.

The CDSP's proposals have lacked transparency over several years. Key information needed to allow Parties to determine whether the proposals are economic and efficient have been excluded. The lack of transparency and the exclusion of relevant information have prevented meaningful scrutiny of multiple CDSP Budgets. The lack of transparency and the exclusion of relevant information have been consistent themes in the appeals of the CDSP Budget in 2020, 2022 and 2023 (the 2022 and 2023 Appeals remain with Ofgem for decision). The CDSP has been notified of objections to all four CDSP Budgets since 2020.

How

Section D of the UNC General Terms governs the requirements and arrangements for the appointment and usage of a Central Data Services Provider (CDSP), following Standard Special Condition A15 of Gas Transporters' Licences (the CDSP Licence Condition).

The CDSP Licence Condition stipulates that a service agreement must be in place between the CDSP and Parties for the provision of services. This is defined as the DSC in the UNC, where the objectives of the contract are set. The objectives state that services must be provided "*effectively*" (UNC GTD 1.2.2).

This Modification proposes to introduce an additional DSC objective that requires the **costs for delivery of CDSP services and the performance of Non-Service Functions to be economic and efficient**, in addition to the current requirement to make service provision effective. Consequential changes to the UNC and the DSC

¹ The "CDSP Budget" is introduced as a defined term in the UNC GTD 3.3.1 (constituting the CDSP Annual Budget referred to in the CDSP Licence Condition) and used in the DSC Budget and Charging Methodology.

suite of documents will be required to facilitate this change by making explicit how the objective is met, allowing Parties transparency of the required information and amending governance processes.

In summary, this Modification will:

- Make explicit the requirement that the costs incurred to deliver CDSP Services and to perform Non-Service Functions are efficient and economic, and
- Create a set of business plan information rules that specify the information that the CDSP must include in the CDSP Budget.

2 Governance

Justification for Authority Direction

This Modification will require Authority Direction as it seeks to make changes to governance arrangements.

Requested Next Steps

This Modification should:

- be considered a material change and not subject to Self-Governance; and
- be assessed by a Workgroup.

The proposed timeline for development and implementation of this Modification is designed to inform and support the business planning cycle for CDSP Budget 2025/26.

The draft Statement of Planning Principles is required to be published by 30 June, outlining the intended scope and content of the process and eventual drafts. Therefore, we originally suggested that Workgroup meetings take place from March to May, in order for a Draft Modification Report and Consultation to be issued in June, allowing the Statement of Planning Principles 2024/25 to take account of the Workgroup’s outputs. Due to strong Workgroup engagement and subsequent revisions to the Modification, additional meetings have taken place.

Implementation of the Modification in March 2024 will allow the CDSP to incorporate the changes in the publication of the Statement of Planning Principles for the 2025/26 CDSP Budget to be published 30 June 2024 and first draft of the Business Plan document to be published by 31 October 2024.

The proposed timeline and alignment to the indicative CDSP Budget engagement cycle is provided in the table below:

| Date | Modification milestone | CDSP Budget milestone |
|--------------|------------------------------|---|
| Mar 2023 | Modification formally raised | |
| Mar-Nov 2023 | Workgroup development | |
| Jun 2023 | | Publication of Business Plan 2024/25 Draft Statement of Planning Principles, consultation |
| Jul 2023 | | |
| Sep 2023 | | First Draft Business Plan 2024/25, consultation |

| | | |
|------------|--|---|
| Nov 2023 | | Second Draft Business Plan 2024/25, consultation |
| Dec 2023 | Draft Modification Report & Consultation | Final Draft Business Plan 2024/25, consultation |
| Jan 2024 | | Final Business Plan 2024/25 publication, with CDSP Board approval |
| Mar 2024 | Implementation of UNC changes | |
| April 2024 | Implementation of DSC changes | |

3 Why Change?

Business plan requirements:

Each central services provider is a monopoly in its relevant segment of the energy value chain. Industry parties are dependent on these appointed monopoly central services providers to perform processes that facilitate the delivery of energy. Industry parties are legally mandated to utilise the services provided by the monopoly central services providers and cannot procure those services from other providers. Central services are funded by their users as part of the costs they incur to operate. Supplier scrutiny of monopoly central service providers' expenditure plans by industry parties is an established way of mitigating the risk of consumer detriment that could arise as a result of central service providers being monopolies. Ensuring value for money for consumers across all parts of the energy value chain, including from the costs incurred by monopoly central service providers, is more important than ever in the current cost of living crisis.

In the case of CDSP Services, the CDSP's Customers are mandated by the UNC to utilise the CDSP's services and are responsible for challenging and scrutinising the CDSP's costs. This is in line with the Authority's decision on the Funding Governance and Ownership model, which was implemented in 2017. Key elements of the Authority's decision are that the CDSP must be collectively owned by the Transporters, be not-for-profit and be subject to industry accountability and governance. The Authority decided that the CDSP Budget would be set via a consultative process and Parties would work collaboratively to ensure that Costs are efficient and that the CDSP Budget is fit for purpose.

Under UNC General Terms, Section D, 1.4.4:

*“Each Party undertakes that it will act and exercise its rights and powers under the DSC in relation to the CDSP so as **jointly to control and govern the CDSP on an economic and efficient basis**”* [emphasis added]

The CDSP is obliged under the DSC Budget and Charging Methodology to produce an annual Budget with a defined Annual Process. The CDSP must provide to and discuss with the DSC Contract Management Committee drafts of the Planning Principles and the Budget itself. The BCM sets out that the CDSP can act as it considers appropriate in taking the Committee's views into account, prior to finalising the CDSP Budget.

There is a route for Appeal to the Authority if Parties do not consider the final CDSP Budget to be fit for purpose. This has been exercised in 2020, 2022 and 2023 (the 2022 and 2023 Appeals remain with Ofgem for decision). The CDSP has been notified of objections to all four CDSP Budgets since 2020. The grounds for Appeal have consistently raised that there is insufficient transparency and detail of information contained in the published Budgets to allow Parties to determine whether or not the CDSP is acting on an economic and efficient basis. Industry party feedback through the business planning processes and within Contract Management Committee has been consistent with these views.

Business plans requirements for other monopoly providers in the energy value chain:

Greater clarity and transparency of information in the CDSP Budget, comparable to that provided by other industry service providers in their annual business plans, is needed to allow Parties improved ability to meet their obligation under UNC GTD 1.4.4 and to ensure cost efficiency and value for money for consumers. Many other monopoly central services providers in the energy value chain are provided with clear guidance from the Authority, in some detail, of the expectations for the content of their annual Business Plans. For example, the Authority issued guidance to the Electricity System Operator (ESO) and the electricity and gas network companies relating to their RIIO-2 business plans. Also, additional guidance was issued to the ESO relating specifically to proposed IT investments.

The guidance was intended to facilitate scrutiny and challenge of budgets by the Authority and all stakeholders. The guidance stipulated the minimum expectations of the companies' business plans such as specific cost breakdown requirements, cost-benefit analysis methodologies, the treatment of uncertainties, robust stakeholder engagement and transparency of the information presented in their plans. The guidance made clear that the information in the business plans should be presented in sufficient transparency and granularity to allow scrutiny. For example, in the ESO's IT Investment guidance, the Authority included the following requirements:

- "...For these topic areas, we will require the ESO to share granular detailed information (e.g. as detailed as data on individual tasks) to provide us with micro-level snapshots of how money is spent. This in-depth review will provide us with insight as to whether the ESO's methods for delivering IT represent value for money"
- "We require access to a sufficient quality of information regarding the ESO's planned BP2 IT investments to ensure that our analysis allows for robust decision making and assurance. This information will provide transparency about the current ("as-is") and future ("to-be") states of the ESO's IT, as well as the specific means by which the as-is state will be evolved and adapted into the planned to-be state."

The guidance was issued in accordance with the relevant conditions in their licences. Where provisions of the guidance required compliance of the monopoly central services providers, they were required to comply with the guidance as if it formed part of their licences. The guidance documents have enabled the companies to present plans that facilitate scrutiny and provide comfort that allowed expenditure allowances are in consumers' interests. We believe adopting a similar approach for the CDSP Budget will be beneficial.

Change processes:

The procedures for changing the CDSP Service Documents (such as the BCM) are defined in the Change Management Procedures.

Change processes and governance routes for Service Documents were originally included in and discussed as part of this Modification. Some workgroup members suggested that the practical reality of the governance processes may differ from that written into the DSC. A Review Group will explore these issues separately to this Modification 0841.

The overall package of proposed changes will be affected in a hierarchy, through changes to the UNC with related and consequential changes to the DSC suite of subordinate documents.

4 Code Specific Matters

Reference Documents

Current and recent CDSP Budgets (Xoserve Business Plans): [Business plan \(xoserve.com\)](https://www.xoserve.com)

DSC suite of documents: [DSC / CDSP Documents | Joint Office of Gas Transporters \(gasgovernance.co.uk\)](https://www.gasgovernance.co.uk)

[UNC Modification 0813 – See Legal text explanation table](#)

[UNC Modification 0666 – See 29 August 2018 Legal Text Explanatory Document 0666](#)

[PAC Documents 5_6_7 Confidentiality Documents v2.0.pdf \(gasgovernance.co.uk\)](#)

[RIIO-2 Business Plan Guidance](#)

[RIIO-ED2 Business Plan Guidance](#)

[ESO Business Plan Guidance](#)

[Decision on IT Guidance for ESO Business Plan Guidance](#)

Documents to be amended in line with the Modification intention and requirements:²

1. [UNC GTD - Uniform Network Code – General Terms Section D](#)
2. [DSC Terms & Conditions](#)
3. [CDSP Service Doc - Contract Management Arrangements](#)
4. [CDSP Service Doc - Budget and Charging Methodology](#)

[https://www.gasgovernance.co.uk/sites/default/files/ggf/page/2020-10/CDSP Service Document Contract Management Arrangements v2.0.pdf](https://www.gasgovernance.co.uk/sites/default/files/ggf/page/2020-10/CDSP%20Service%20Document%20Contract%20Management%20Arrangements%20v2.0.pdf)

Knowledge/Skills

Knowledge of CDSP and other central services provider (e.g., BSCCo, REC, ESO) budget and business planning guidance, rules and conventions; knowledge of DSC governance processes.

5 Solution

Outline

The proposed Modification consists of two elements, which will:

- Make explicit the requirement that the costs incurred in the delivery of CDSP Services and the performance of Non-Service Functions should be efficient and economic, and
- Create a set of Business Plan Information Rules that specify the information that the CDSP must include in the CDSP Budget.

For the avoidance of doubt the required changes to UNC Code and DSC Changes will be affected in a hierarchy, through changes to the UNC with related and consequential changes to the DSC suite of documents subordinate. In other words, it will be necessary to include terms to the DSC to render the UNC changes, and cross-reference between the two documents. The Modification shall be progressed holistically due to the interlinked nature of the solution.

Documents to be amended in line with the Modification intention and requirements:

1. [UNC GTD - Uniform Network Code – General Terms Section D](#)
2. [DSC Terms & Conditions](#)

² Housekeeping changes only are proposed to the suite of CDSP Service Documents. These changes are not material and therefore are not included in the list.

3. [CDSP Service Doc - Budget and Charging Methodology](#)
4. [CDSP Service Doc - Contract Management Arrangements](#)

Context:

Many other monopoly services providers are provided with clear guidance from the Authority, in some detail, of the expectations for the content of their annual Business Plans. This can include specific cost breakdown requirements and templates for conducting cost-benefit analyses. These are to enable scrutiny and challenge of budgets by the Authority and all stakeholders.

This Modification intends to provide similar helpful Business Plan Information Rules for the CDSP to follow, which will support the approach, structure, and content for the annual Business Plan. This will enable delivery of, and provide a test for, the demonstration of cost efficiency within the new DSC Objective contained in the UNC. The rules will include content and additional process requirements.

Each element of the solution and required changes are described below. Note that the nature of this proposal means that the Proposer prepared change-marked versions of the documents to support in Modification development and Legal Text provision. These changed-marked documents are superseded by the below Business Rules for this Modification, demonstrating the intended change. A draft of the proposed Business Plan Information Rules has been appended in addition to Business Rule 4. Additional explanatory text and a diagram has also been provided below as supplementary commentary to the proposed amendments.

Business Rules:

1. ***Make explicit the requirement that the CDSP's Costs shall be efficient and economic.***

Introduce a new DSC Objective at UNC General Terms Section D (GTD), Interpretation, which will require the expenditure incurred in the delivery of CDSP Services and the performance of Non-Service Functions to be both efficient and economic.

Extend the current DSC Objectives within UNC GTD 1.2.2 to specify that the costs incurred in the delivery of CDSP Services and the performance of Non-Service Functions should be efficient and economic, to help facilitate the efficient and integrated operation of the gas industry.

2. ***Introduce a requirement on all Parties to ensure that the CDSP's Costs are efficient and economic.***

Introduce a new requirement into the UNC on all Parties to ensure that the CDSP's Costs are efficient and economic, in addition to the obligation to jointly govern the CDSP on an economic and efficient basis (under 'Agreement to engage the CDSP and be party to DSC').

3. ***Amend obligations on the CDSP in the DSC Terms and Conditions to require that the CDSP also ensures that Costs are efficient and economic.***

Consequentially reflect the new requirements in Business Rules 1 and 2 above in the DSC Terms and Conditions by requiring the CDSP to:

- ensure that CDSP Costs are economic and efficient,
- efficiently, economically and effectively perform Non-Service Functions, and
- to (or procure that third parties shall) efficiently, economically and effectively establish and operate UK Link.

4. Create the Business Plan Information Rules.

Create the Business Plan Information Rules as a UNC Related Document.

Require the CDSP to satisfy the requirements contained within the Business Plan Information Rules for the purposes of developing the CDSP Budget.

[Explanatory note:

- *We append draft Legal Text for the Business Plan Information Rules.*
- *The purposes of the Business Plan Information Rules are:*
 - *to require the CDSP to conduct robust and high-quality engagement with stakeholders to inform the content of the Statement of Planning Principles and the CDSP Budget;*
 - *to require the CDSP to publish the drafts and final versions of the Statement of Planning Principles and CDSP Budget;*
 - *to require the CDSP to ensure that, as a minimum, the specified information categories are included in the draft and final versions of the CDSP Budget;*
 - *to require the Contract Management Committee to assess whether the specified information categories are included in the draft and final versions of the CDSP Budget meet these requirements; and*
 - *specify that the relevant information categories that the CDSP shall include in the draft and final versions of the CDSP Budget are:*
 - *stakeholder engagement,*
 - *current performance,*
 - *outputs,*
 - *Investment proposals,*
 - *Costs and expenditure,*
 - *allocation of Costs to Customer Classes,*
 - *third-party assurance activities and*
 - *a 'Redaction Statement' if any information is considered confidential and, therefore, should not be made publicly available.*
- *For the avoidance of doubt, meeting the requirements of the Business Plan Information Rules in relation to the specified information categories is not relevant to the Statement of Planning Principles. The CDSP may of course make use of the Business Plan Information Rules to support preparation of any material throughout the business planning cycle if it finds it helpful to do so.]*

5. Create the process by which the Business Plan Information Rules can be amended.

Create a process by which the Business Plan Information Rules can be amended that involves a proposed amendment being submitted to the Contract Management Committee and that Committee assessing the proposed amendment, consulting Customers and recommending that the Uniform Network Code Committee (UNCC) approves the proposed amendment if certain criteria are met (described below).

Introduce a new clause that permits any Party to the DSC to propose an amendment to the Business Plan Information Rules.

Specify the minimum requirements that the proposing Party must ensure a proposed amendment satisfies:

- A proposed amendment must include a description of the need for the amendment and an assessment of how the proposed amendment better meets the DSC Objectives; and
- A proposed amendment must not represent a material change in the balance of commercial or legal risk under the DSC as between the CDSP and Customers, or as between different Customer Classes (or Customers within a Customer Class).

Specify the responsibilities of the Contract Management Committee in relation to the proposed amendment. That Committee:

- shall consider the proposed amendment;
- shall assess whether the minimum requirements have been satisfied and invite the proposing Party to re-submit or withdraw the proposed amendments if the minimum requirements have not been satisfied;
- may invite the proposing Party to discuss the proposed amendment;
- shall send a consultation report to all DSC Parties and request responses, including the notice of the proposed amendment from the proposing Party and the Committee's views of the proposed amendment;
- shall invite DSC Parties to respond within 20 working days; and
- review any feedback received from DSC Parties.

Specify that the Contract Management Committee may recommend that the UNCC approves the proposed amendment if, taking account of the consultation responses, the Committee is satisfied that the proposed amendment:

- better meets the DSC Objectives; and
- does not represent a material change in the balance of commercial or legal risk under the DSC as between the CDSP and Customers, or as between different Customer Classes (or Customers within a Customer Class).

6. Amend the Annual Process for establishing the CDSP Budget to require that the CDSP and the Contract Management Committee also take account of the Business Plan Information Rules.

a. Amend the Annual Process for establishing the CDSP Budget to require that the CDSP and the Contract Management Committee agree the lowest level of granularity for information presentation at the start of the Annual Process.

Amend the Annual Process in the Budget and Charging Methodology to require that, at the start of the Annual Process, the CDSP shall agree with the Contract Management Committee the lowest level of

granularity for each specified information category the CDSP shall present to satisfy the Business Plan Information Rules.

Amend the Annual Process in the Budget and Charging Methodology to require the CDSP to adopt the lowest level of granularity for each specified information category in the most recently approved CDSP Budget if the CDSP and the Contract Management Committee cannot agree upon the lowest level of granularity for each specified information category the CDSP shall present to satisfy the Business Plan Information Rules.

b. Amend the Annual Process for establishing the CDSP Budget to require that the CDSP also takes account of the Business Plan Information Rules.

Amend the Annual Process in the Budget and Charging Methodology to require the CDSP, in the draft CDSP Budget, to:

- identify each instance in which the information requirements pursuant to the Business Plan Information Rules is not met;
- explain the reason(s) why the information requirements of the Business Plan Information Rules are not met; and
- describe the step(s) it will take, in so far as practicable, to ensure each subsequent draft CDSP Budget will meet the information requirements of the Business Plan Information Rules should it produce subsequent drafts prior to finalising the Budget.

c. Amend the Annual Process for establishing the CDSP Budget to require that the Contract Management Committee also takes account of whether the CDSP has met the requirements of the Business Plan Information Rules.

Amend the Annual Process in the Budget and Charging Methodology to require the Contract Management Committee to assess the draft CDSP Budget to determine whether the information requirements in the Business Plan Information Rules have been met.

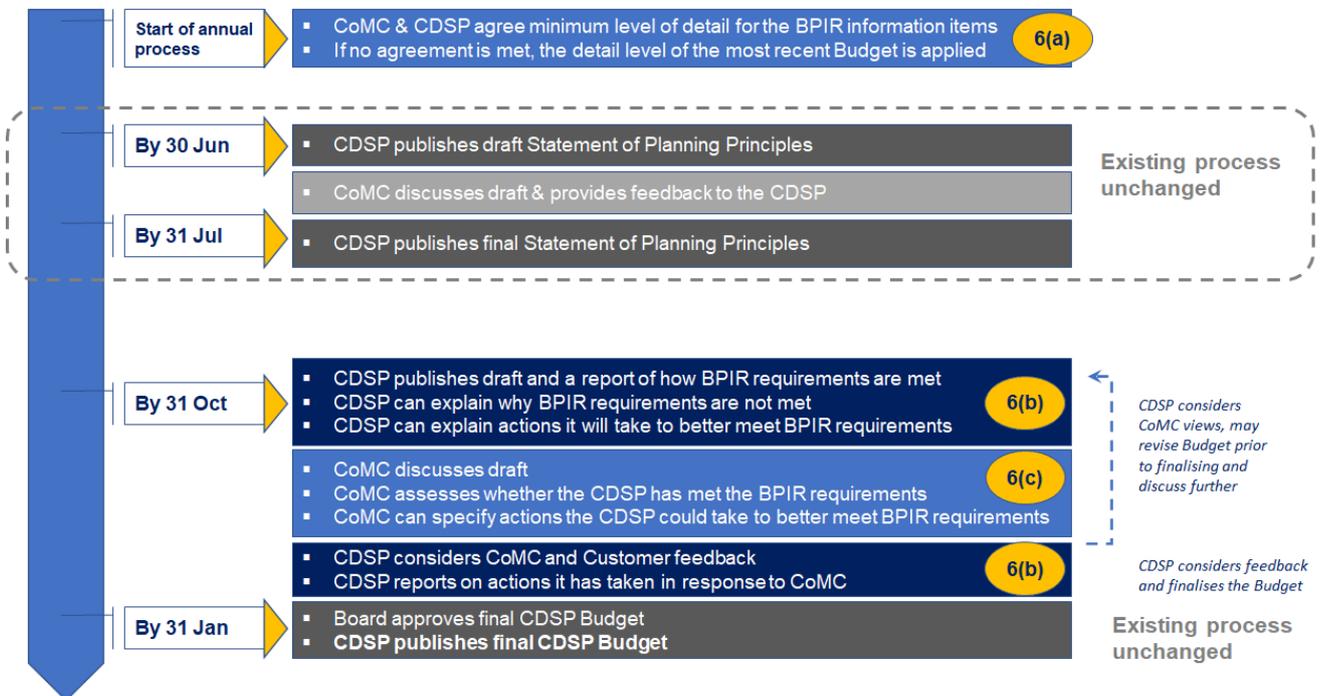
Amend the Annual Process in the Budget and Charging Methodology to require the Contract Management Committee to discuss with the CDSP the Committee's assessment of whether the CDSP has met the requirements of the Business Plan Information Rules.

Amend the Annual Process in the Budget and Charging Methodology to require the Contract Management Committee to specify the action(s) the CDSP could take to meet the requirements of the Business Plan Information Rules if the Committee, having discussed its assessment with the CDSP, concludes there remain steps the CDSP could take to meet the requirements of the BPIR.

[Explanatory notes to the process – for the legal text provider:]

- *For the avoidance of doubt, meeting the requirements of the Business Plan Information Rules in relation to the specified information categories is not relevant to the Statement of Planning Principles.*

- The CDSP shall use its best endeavours to demonstrate transparency concerning the development and content of the CDSP Budget. The CDSP shall ensure the minimum level of transparency that DSC Parties and other interested stakeholders require in order to meaningfully scrutinise the draft and final versions of the CDSP Budget.
- It is imperative that the CDSP will take responsibility for addressing any shortfall, doing what is best to meet the requirements (i.e. provision of information as requested or explanation of why it cannot meet the requirements).
- The requirements in this Business Rule do not change, impact or duplicate the existing governance processes for the approval of the CDSP Budget. Instead, this Business Rule creates the information requirements for the CDSP Budget, to support stakeholder and CDSP engagement with business plan development.
- The Contract Management Committee, as representatives of the wider industry constituencies, will provide review and feedback to the CDSP on the drafts of the CDSP Budget against the Business Plan Information Rules.
- The CDSP may incorporate this feedback in subsequent drafts, as per its customary stakeholder engagement cycle, prior to presenting its final draft to its Board for approval.
- This process provides the CDSP with the opportunity to explain to the Contract Management Committee the reasons why certain business plan items do not and/or cannot conform to the requirements of the Business Plan Information Rules, and for the Committee to respond.
- The diagram below shows how the Contract Management Committee engagement is intended to function.]



7. Amend the Annual Process for establishing the CDSP Budget to permit the CDSP to disclose relevant information considered confidential to the Contract Management Committee only

Amend the Annual Process in the Budget and Charging Methodology to permit the CDSP to disclose relevant information/content of the draft or final CDSP Budget or support material considered confidential to the Contract Management Committee only provided such disclosure is not prohibited by any legal (including contractual) or regulatory obligation by which the CDSP is bound.

Specify that, if the CDSP chooses to disclose some information to the Contract Management Committee only, the CDSP must include a 'Redaction Statement' in the publicly available version of the draft or final CDSP Budget that explains:

- descriptions of the information that has been excluded;
- the reasons and justification for the exclusions;
- the interest, commercial or otherwise, that the CDSP considers would be prejudiced by disclosure;
- the CDSP's opinion of the extent to which the exclusions will curtail assessment of the CDSP Budget; and
- descriptions of the alternative ways in which the CDSP has sought to enable scrutiny of the CDSP Budget in lieu of the exclusions.

Specify that, if any legal requirement that prevents the CDSP disclosing information to the Contract Management Committee, the CDSP must confirm to the Committee the nature of the legal obligation preventing disclosure and the nature of the information that cannot be disclosed.

Explanatory note:

- *The expectation is that the CDSP will act in good faith having due regard for the common purpose/objectives of the CDSP's customers.*

8. Amend the Contract Management Arrangements to permit the CDSP to require members of the Contract Management Committee to sign a non-disclosure agreement to facilitate disclosure of CDSP Budget information considered confidential.

Amend the Contract Management Arrangements to permit the CDSP to require members of the Contract Management Committee to sign a non-disclosure agreement to facilitate disclosure of CDSP Annual Budget information considered confidential if the CDSP chooses to disclose some information to the Contract Management Committee only.

Amend the Contract Management Arrangements to permit the CDSP to require any other person whose attendance the Contract Management Committee considers would facilitate the discussion of the confidential aspects of the CDSP Budget during closed sessions of meetings of that Committee (as per Business Rule 9) to sign a non-disclosure agreement.

9. Amend the Contract Management Arrangements to permit closed sessions for discussion of confidential aspects of the CDSP Budget

Amend the Contract Management Arrangements to allow for meetings of the Contract Management Committee to include closed sessions for the purpose of discussing content of the draft or final CDSP Budget or support material considered confidential and was not included in the publicly available version of the draft or final CDSP Budget.

Amend the Contract Management Arrangements to restrict attendance of closed sessions during meetings of the Contract Management Committee to only its members and their alternates, relevant personnel of the CDSP and its agents and any other person whose attendance the Committee considers would facilitate the discussion of the confidential aspects of the CDSP Budget.

10. Amend the TOR for the DSC Contract Management Committee.

Amend the terms of reference for the DSC Contract Management Committee to require Committee members and their alternates to sign a non-disclosure agreement in relation to Business Rule 8.

Housekeeping changes and corrections

Finally, the Modification will seek to make minor amendments to current drafting, in order to correct errors, update links to other documents, update reference tables and examples and align with UNC formatting.

The following list covers the changes that are proposed.

| Document | Summary changes |
|----------------------------------|---|
| UNC GTD | <ul style="list-style-type: none"> 1.2.2 (ii) – Amend the reference from “paragraph 8(d)(ii) of the CDSP Licence Condition” to “paragraph 6(d)(ii) of the CDSP Licence Condition” for accuracy |
| All CDSP Service Documents | <ul style="list-style-type: none"> Administrative change to replace all occurrences of CDSP to CDSP |
| Contract Management Arrangements | <ul style="list-style-type: none"> 3.1.1 (a) – Numbering and formatting error to be corrected Administrative change to replace all occurrences of CDSP to CDSP |

6 Impacts & Other Considerations

Does this Modification impact a Significant Code Review (SCR) or other significant industry change projects, if so, how?

There are no impacts identified on a current SCR as no SCR is currently in progress.

Consumer Impacts

Enduring enhancements to cost efficiency and value for money in central data service provision to the gas industry, potentially leading to lower costs to consumers than would otherwise be the case.

What is the current consumer experience and what would the new consumer experience be?

CDSP Services which directly impact consumers, such as switching supplier, may be positively impacted on both cost and performance, through improved ability for stakeholders to engage on efficiency. Consumers may also benefit from enduring reductions in the cost elements for central services which are passed through to them by suppliers.

| Impact of the change on Consumer Benefit Areas: | |
|--|-------------------|
| Area | Identified impact |
| <p>Improved safety and reliability</p> <p>The proposals may lead to improvements in performance of services which directly impact vulnerable consumers by allowing greater scrutiny of the efficiency of CDSP activities by industry stakeholders.</p> | Positive |
| <p>Lower bills than would otherwise be the case</p> <p>Consumer bills may be reduced on an enduring basis due to improved opportunity for industry stakeholders to understand and challenge the cost efficiency and value for money of CDSP Services.</p> | Positive |
| <p>Reduced environmental damage</p> <p>None</p> | None |
| <p>Improved quality of service</p> <p>CDSP Services which directly impact consumers, such as switching supplier, may be positively impacted on both cost and performance, through improved ability for stakeholders to engage on efficiency.</p> | Positive |
| <p>Benefits for society as a whole</p> <p>None</p> | None |

Cross-Code Impacts

Possible interactions with and impacts on the IGT UNC should be reviewed.

EU Code Impacts

None.

Central Systems Impacts

None. While there will be changes to the requirements on the CDSP, these will be information provision related only, not systems related.

7 Relevant Objectives

Impact of the Modification on the Transporters' Relevant Objectives:

| Relevant Objective | Identified impact |
|--|-------------------|
| a) Efficient and economic operation of the pipe-line system. | None |
| b) Coordinated, efficient and economic operation of (i) the combined pipe-line system, and/ or (ii) the pipe-line system of one or more other relevant gas transporters. | None |
| c) Efficient discharge of the licensee's obligations. | Positive |
| d) Securing of effective competition: (i) between relevant shippers; (ii) between relevant suppliers; and/or (iii) between DN operators (who have entered into transportation arrangements with other relevant gas transporters) and relevant shippers. | Positive |
| e) Provision of reasonable economic incentives for relevant suppliers to secure that the domestic customer supply security standards... are satisfied as respects the availability of gas to their domestic customers. | None |
| f) Promotion of efficiency in the implementation and administration of the Code. | Positive |
| g) Compliance with the Regulation and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators. | None |

Relevant Objective c):

Transporters are obligated under licence to provide CDSP Services through an appointed CDSP. The licence sets out the requirement for the UNC to include the obligation on parties to jointly control and govern the CDSP on an economic and efficient basis,³ and the minimum requirement for economic, efficient and transparent charging for the provision of the CDSP Services.⁴ The licence also requires consultation of CDSP service users in the development of the annual Budget and their participation in decision making for the ongoing operation of the CDSP. This Modification will have positive impacts for improved efficiency across all these obligations through defining information and transparency requirements more clearly, improving participative governance of cost allocation tools.

Relevant Objective d):

Greater transparency and scrutiny of information allows shippers and suppliers better to manage their costs and risk profiles. With greater granularity and transparency of CDSP expenditure, parties will be able to include more information in forecasts of the charges that they pay for CDSP Services. This should serve to improve accuracy

³ Gas Transporter Standard Special Condition A15, 4 (c) (i).

⁴ Gas Transporter Standard Special Condition A15, 6 (d) (ii).

and development of individual risk and other assumptions incorporated. This will have a positive impact on competition between Shippers and between suppliers.

Relevant Objective f):

The UNC provides for the establishment of the CDSP and obligates usage of CDSP Code Services by all parties. It also obliges the CDSP to produce an annual Budget and for all parties to enter into the DSC. Further, each party must *act and exercise its rights and powers under the DSC in relation to the CDSP so as jointly to control and govern the CDSP on an economic and efficient basis* (GTD 1.4.4.).

The proposals in this Modification will have a positive impact on the efficiency of the implementation of these conditions, specifically in the economic and efficient control and governance of the CDSP. The introduction of business plan rules, outlining the content requirements that are consistently needed for stakeholders to undertake this role more effectively, is clearly a positive outcome.

It could also be anticipated that greater transparency and information provision would result in a reduced burden of administration, through a lower likelihood of appeals processes.

8 Implementation

Implementation is proposed for 1 March 2024. This allows for the Modification to be incorporated in the development of the CDSP Budget 2025/26.

9 Legal Text

Text Commentary

Insert text here.

Text

Business Plan Information Rules are appended.

10 Recommendations

Proposer's Recommendation to Panel

Panel is asked to:

- Agree that Authority Direction should apply.
- Refer this proposal to a Workgroup for assessment.