

UNC Final Modification Report	At what stage is this document in the process?
<h1>UNC 0615S:</h1> <h2>Representation on DSC Committees – amendment to include mid-year appointments</h2>	<div style="display: flex; flex-direction: column; gap: 5px;"> <div style="border: 1px solid #ccc; padding: 5px; display: flex; align-items: center; gap: 10px;"> 01 Modification </div> <div style="border: 1px solid #ccc; padding: 5px; display: flex; align-items: center; gap: 10px;"> 02 Workgroup Report </div> <div style="border: 1px solid #ccc; padding: 5px; display: flex; align-items: center; gap: 10px;"> 03 Draft Modification Report </div> <div style="border: 1px solid #ccc; padding: 5px; display: flex; align-items: center; gap: 10px;"> 04 Final Modification Report </div> </div>
<p>Purpose of Modification:</p> <p>The proposal is to enable a mid-year change to DSC Committee Representation to enable parties to take up representation of their Class Category on the DSC Committees in the event that their representation is being facilitated by another Class Representative, or a vacancy is created by the retirement of an existing Committee Representative</p>	
	<p>The Panel determined that this self-governance modification be implemented.</p>
	<p>High Impact: Not applicable.</p>
	<p>Medium Impact: Not applicable.</p>
	<p>Low Impact: Shippers and Gas Transporters</p>

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Timetable		
Modification timetable:		
Initial consideration by Workgroup	27 April 2017	
Amended Modification considered by Workgroup	27 April 2017	
Workgroup Report presented to Panel	20 July 2017	
Draft Modification Report issued for consultation	20 July 2017	
Consultation Close-out for representations	11 August 2017	
Final Modification Report available for Panel	14 August 2017	
Modification Panel decision	17 August 2017	
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1 Summary

What

When drafting the initial DSC Committee representations, consideration was given to how to manage under representation in any Class of Representative. The modification enabled voting to be redistributed to other classes whilst maintaining a balanced representation.

The Voting process envisaged a once per year event that parties could be elected on to DSC Committees, however no consideration was given during the development of the proposal to a representative coming forward mid-year and wishing to represent their class from their own constituency members, or how to replace a Committee Representative that stands down mid-term.

Why

The governance model is constituency based and it would be beneficial if all classes of parties were able to be represented by members of their own constituency – this would ensure that the views of those parties were fully reflected in the decisions of those committees. The current model doesn't facilitate a class of party wishing to be more engaged in the DSC management.

How

This proposal sets out a transparent process to enable a Class Representative to take up the representation on the DSC Committees whilst at the same time establishing the retirement of the additional representation from outside their class, these business rules will also be used in the event that a DSC Committee Representative steps down mid appointment term.

2 Governance

Justification for Self-Governance, Authority Direction or Urgency

Panel determined the modification is unlikely to have a material effect, while as the proposal affects the governance of the changes processes for the DSC and therefore may affect classes of parties, the changes are not material and do not change the intentions of maintaining a balanced representation on the DSC Committees.

Modification 0615S will therefore follow self-governance procedures.

Requested Next Steps

This modification should:

- be considered a non-material change and subject to self-governance
- proceed to Consultation

The Workgroup agreed with the Panel view on self-governance, that the modification is unlikely to have a material impact for the reasons set out above. The Workgroup agrees the modification is sufficiently developed to be issued to consultation.

3 Why Change?

Section D of the UNC includes Annex D-2 which sets out how voting on DSC Committees is established and how parties are represented. The Code introduces the concept of elected representatives for the DSC Committees and how and when those elections should be conducted. The rules also set out how, where there are insufficient parties coming forward for a Class of Representative, voting can be maintained in a balanced manner. The rules however do not envisage a party who wishes to take on the responsibility of representing their class of party taking on that role between elections or who may wish to step down mid-term and a replacement representative may be appointed.

4 Code Specific Matters

Reference Documents

UNC Section D, Annex D-2

Knowledge/Skills

No specific skills or knowledge required.

5 Solution

Within-Year Change of DSC Class Representative

Who can instigate a change of Representative?

- A class of party whose whole class of votes were transferred to another Class during the election process, or
- A party who wishes to take up a vacancy within their class of Representatives, either due to insufficient elected representatives having been appointed in the annual election cycle or the retirement of an existing elected representative.

When can a Within Year change be introduced to the DSC Committees?

This process can only be initiated prior to the 01 July in any appointment year, because the Joint Office expects to conduct an annual election process for all code committees, and adhoc elections should only be considered in exceptional circumstances. In the event that it is too close to the next election cycle, then the Representative's Standing Alternate will assume the role, until the annual election cycle.

What process should be followed?

A party who wishes to take up the representation of their class where representation has been transferred to another class, or there is a vacancy in that class, should make a request to the Joint Office to invoke a change of representation. The request must be accompanied by a proposer and a seconder.

On the retirement of an existing DSC Committee Representative, the Joint Office should consider whether to conduct an election for a new representative, giving consideration to the timeline between the retirement taking effect and the next annual election cycle. If there is sufficient time, the Joint Office will begin the process to seek nominations for new representatives.

The Joint Office should notify the Single Point of Contacts (SPOC) for the affected Class (based on the currently confirmed Class for the DSC Committees), The Joint Office should also notify the affected substitute representative of the request to substitute representation.

The notification to the SPOCs of the affected Class should set out the details of the proposed representative and allow a period of time for consideration/consultation – a minimum of 15 calendar days should be allowed. Additionally, the notification should invite the represented class to consider whether they wish to put forward additional and/or competing candidates, which if there are more candidates than vacancies identified through this process then an election must be conducted by the Joint Office, if there are the same number of nominees to vacancies, then the Joint Office will notify the candidate representatives that they have been appointed.

The substitute representative will be notified at the end of the 15-day period of whether an election is to be held. If no election is required the substitute representative will retire immediately (as will any nominated standing alternate), if an election is required the substitute representative (or their standing alternate) will remain in place until the election is complete, and will then retire.

The Joint Office will conduct an adhoc election, if it is required, and it will follow the principles of the existing UNC Appointments Process, however the timeline could be accelerated to facilitate a timely transition to the new representative, with the agreement of the UNCC.

6 Impacts & Other Considerations

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

None identified.

Consumer Impacts

None identified as this modification is clarifying the process for interim appointments to DSC Committee and is a governance change with no material impacts on any party.

Consumer Impact Assessment

(Workgroup assessment of proposer initial view or subsequent information)

Criteria	Extent of Impact
Which Consumer groups are affected?	None
What costs or benefits will pass through to them?	Not applicable.
When will these costs/benefits impact upon consumers?	Not applicable.
Are there any other Consumer Impacts?	Not applicable.

Cross Code Impacts

No Cross Code impacts identified.

EU Code Impacts

None.

Central Systems Impacts

There are no systems impacts anticipated as this is a DSC Committee governance change only.

Workgroup Impact Assessment

The Workgroup has assessed the modification and agrees that the changes proposed should provide a benefit to the administration of DSC Committees, by helping to maintain minimum quoracy levels and ensuring decisions are made in a timely manner.

Rough Order of Magnitude (ROM) Assessment

Not applicable.

7 Relevant Objectives

Impact of the modification on the 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.	None
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.	None
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

This modification furthers relevant object f) Promotion of efficiency in the implementation and administration of the Code. The change improves the governance of the DSC Committees by introducing new rules to enable the fullest participation in the DSC Committees by permitting a change of representative between the annual nominations process. The documented process for a change of representative for within-year Class Substitute Representatives improves the governance arrangement by

adding clarity and assurance that parties can step into their roles outside the current election process, if necessary and appropriate.

8 Implementation

As self-governance procedures are proposed, implementation could be sixteen business days after a Modification Panel decision to implement, subject to no Appeal being raised.

9 Legal Text

Legal Text has been provided by Cadent and is published alongside this report. The Workgroup has considered the Legal Text and is satisfied that it meets the intent of the Solution.

10 Consultation

Panel invited representations from interested parties on 20 July 2017. The summaries in the following table are provided for reference on a reasonable endeavours basis only. We recommend that all representations are read in full when considering this Report. Representations are published alongside this Final Modification Report.

Implementation was unanimously supported in the 7 representations received.

Representations were received from the following parties:

Organisation	Response	Relevant Objectives	Key Points
Cadent Gas Limited	Support	f - positive	<ul style="list-style-type: none"> Believes that this modification enables a transparent process whereby a Class Representative can take up the representation on the DSC Committees mid-year, whilst at the same time establishing the retirement of any additional representative from outside their class. Notes that this is applicable also in the event that a DSC Committee Representative steps down mid appointment term.
E.ON Energy Solutions Ltd	Support	f - positive	<ul style="list-style-type: none"> Considers it is important that representation in the DSC Committees is undertaken in the relevant constituency group by a party from that classification of customer type. Such parties are best placed to fully understand the risks and issues that may affect them and recognise that, whilst smaller parties are often willing to have their views articulated by larger parties, the arrangements need to facilitate these parties' involvement in the governance of the industry arrangements, even if this comes outside of the normal election cycles.

ESP Utilities Group	Support	f - positive	<ul style="list-style-type: none"> • Agrees that this modification will ensure that the DSC Committee Representatives will be more able to speak for all parties with interests in the Data Services Contract.
Npower	Support	f - positive	<ul style="list-style-type: none"> • Agrees this modification provides a useful clarification to allow the option of broader representation on the DSC Committees, particularly where a class does not have full representation. It also provides further useful clarification on the potential use of mid-year elections where appointed members vacate their seat.
SGN	Support	f - positive	<ul style="list-style-type: none"> • Supports this modification as it will facilitate a variety of representation within DSC Committees.
SSE Supply	Support	f - positive	<ul style="list-style-type: none"> • Agrees that it would be beneficial if all classes of parties were able to be represented by members of their own constituency to ensure that the views of those parties were fully reflected in the decisions of those committees. • Supports the modification as it sets out a process to enable a Class Representative to take up the representation on the DSC Committees mid-year if the class is not currently represented. • Establishes rules in the event that a DSC Committee Representative steps down mid appointment term. This will ensure that the DSC Committees are able to have the fullest representation throughout the year.
Wales & West Utilities	Support	f - positive	<ul style="list-style-type: none"> • This proposal puts in place sensible provisions for mid-year elections to DSC committees which will facilitate representation on DSC committees.

Please note that late submitted representations will not be included or referred to in this Final Modification Report. However, all representations received in response to this consultation (including late submissions) are published in full alongside this Report, and will be taken into account when the UNC Modification Panel makes its assessment and recommendation.

11 Panel Discussions

Discussion

The Panel Chair summarised that UNC 0615S would enable a mid-year change to DSC Committee Representation to enable parties to take up representation of their Class Category on the DSC Committees in the event that their representation is being facilitated by another Class Representative, or a vacancy is created by the retirement of an existing Committee Representative.

Members considered the representations made noting that implementation was unanimously supported in the 7 representations received.

Members agreed with respondents and the Proposer that this modification would ensure proper

representation of parties who are best placed to fully understand the risks and issues that may affect them, even if this comes outside of the normal election cycles.

Members noted that there would be no material impacts on consumers or the contractual arrangements for UNC or DSC parties.

Consideration of the Relevant Objectives

Members considered relevant objective f) *Promotion of efficiency in the implementation and administration of the Code*, agreeing that implementation would have a positive impact because the changes proposed improve the governance of the DSC Committees by enabling the fullest participation in the DSC.

Determinations

Members voted unanimously to implement Modification 0615S

12 Recommendations

Panel Determination

Members agreed that Modification 0615S should be implemented