

Record of Determinations: **Panel Meeting 270 18 March 2021**

In favour	Not in Favour	Not Present	No Vote Cast
✓	X	NP	NV

Note definition of Defined Term "Panel Majority" in the Mod Rules 2.1.

FMR implementation votes should record either in favour or not present (or be blank) Mod Rules 9.4(b)

In favour	Not Present
✓	NP

Mod Type	Modification	Vote Outcome	Shipper Voting Members						Transporter Voting Members					IGT Voting Member	Consumer Voting Member	Non-Domestic Consumer Voting Member	Determination Sought	
			AG	DF	RK	MJ	RF	SM	DL	GD	HC	RP	TS					RC
FMR	Modification 0745 - Mandatory Setting of Auction Bid Parameters	No new issues were identified during the consultation - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	X	X	NP	Were any new issues identified during the Consultation?
		This Modification is not related to the Significant Code Review - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	X	X	NP	Does Modification 0745 impact a Significant Code Review?
		Is a Self-Governance Modification - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Does Modification 0745 meet the Self-Governance Criteria?
		Modification 0745S to be implemented - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Modification 0745S be implemented? (Yes, votes only)
New Mod	Modification 0757 - Amendment to Ratchet Process Guidance Document Name	Consideration deferred - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Defer consideration Modification 0757 to the 15 April 2021 meeting?	
New Mod	Modification - 0758 - Temporary extension of AUG Statement creation process	Is not related to the Significant Code Review - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	X	NP	Does Modification 0758 impact a Significant Code Review?	
		Is not a Self-Governance Modification - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	X	NP	Does Modification 0758 meet the Self-Governance Criteria?	
		Modification is to be issued to Workgroup 0758 with a report by the 15 April 2021 Panel - majority vote against	✓	✓	X	✓	X	✓	X	X	X	X	X	X	X	NP	Should Modification 0758 be issued to Workgroup with a report to be presented to the 15 April 2021 Panel?	
		Modification is to be issued to Workgroup 0758 with a report by the 20 May 2021 Panel - majority vote in favour	X	X	X	X	✓	X	✓	✓	✓	✓	✓	✓	✓	NP	Should Modification 0758 be issued to Workgroup with a report to be presented to the 20 May 2021 Panel?	

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			AG	DF	RK	MJ	RF	SM	DL	GD	HC	RP	TS					RC	LS
New Mod	Modification 0759 – Enhancements to NTS Within-Day Firm Entry and Exit Capacity Allocations	Is not related to the Significant Code Review - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	X	X	NP	Does Modification 0759 impact a Significant Code Review?	
		Is a Self-Governance Modification - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Does Modification 0759 meet the Self Governance Criteria?
		Modification is to be issued to Workgroup 0759S with a report by the 20 May 2021 Panel - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Modification 0759S be issued to Workgroup with a report to be presented to the 20 May 2021 Panel?
New Mod	Modification 0760 - Introducing the concept of derogation for Net Zero innovation into Uniform Network Code (UNC)	Is not related to the Significant Code Review - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	X	X	NP	Does Modification 0760 impact a Significant Code Review?	
		Is not a Self-Governance Modification - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	X	X	NP	Does Modification 0760 meet the Self Governance Criteria?	
		Modification is to be issued to Workgroup 0760 with a report by the 15 July 2021 Panel - unanimous vote in favour	✓	✓	✓	X	X	X	X	X	X	X	✓	X	X	X	NP	Should Modification 0760 be issued to Workgroup with a report to be presented to the 15 July 2021 Panel?	
		Modification is to be issued to Workgroup 0760 with a report by the 16 September 2021 Panel - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Modification 0760 be issued to Workgroup with a report to be presented to the 16 September 2021 Panel?	
		Is not related to the Significant Code Review - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	X	NP	Does Modification 0761 impact a Significant Code Review?		

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✓	NP

Mod Type	Modification	Vote Outcome	Shipper Voting Members						Transporter Voting Members					IGT Voting Member	Consumer Voting Member	Non-Domestic Consumer Voting Member	Determination Sought	
			AG	DF	RK	MJ	RF	SM	DL	GD	HC	RP	TS					RC
New Mod	Modification 0761 - Arrangements for Interconnectors with additional Storage capability	Is not a Self-Governance Modification - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	X	X	NP	Does Modification 0761 meet the Self Governance Criteria?
		Modification is to be issued to Workgroup 0761 with a report by the 16 September 2021 Panel - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Modification 0761 be issued to Workgroup with a report to be presented to the 16 September 2021 Panel?
New Mod	Modification 0762 - Adding the Retail Energy Code Performance Assurance Code Manager as a new User type to the Data Permissions Matrix	Consideration deferred to the 15 April 2021 meeting - no unanimous vote in favour	X	X	✓	✓	X	✓	✓	✓	✓	✓	X	✓	✓	NP	Should Modification 0762 be considered at Short Notice or deferred to the April meeting?	
WG Reporting	Modification 0674 - Performance Assurance Techniques and Controls	Modification to be sent back to Workgroup0674 for further consideration with a report presented to the 20 May Panel - majority vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	X	X	NP	✓	NP	Should Modification 0674 be sent back to Workgroup for further consideration with a report presented to the 20 May 2021 Panel	
WG Reporting	Modification 0741S - Updating specific gender references to neutral terms	Modification 0741S to be issued to consultation, with consultation closing out on 01 April 2021 - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Modification 0741 be issued to Consultation, closing on 01 April 2021 and be considered at Short Notice at the 15 April 2021 Panel meeting?	
WG Extension	Modification 0664V - Transfer of Sites with Low Valid Meter Reading Submission Performance from Classes 2 and 3 into Class 4	Reporting date for Workgroup to be extended to the 20 May 2021 Panel - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should the reporting date for 0664V Workgroup be extended to 20 May 2021 Panel?	

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✓	NP

Mod Type	Modification	Vote Outcome	Shipper Voting Members						Transporter Voting Members					IGT Voting Member	Consumer Voting Member	Non-Domestic Consumer Voting Member	Determination Sought	
			AG	DF	RK	MJ	RF	SM	DL	GD	HC	RP	TS					RC
	Modification 0674 - Performance Assurance Techniques and Controls	Reporting date for Workgroup to be extended to the 20 May 2021 Panel - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	✓	NP	Should the reporting date for 0664V Workgroup be extended to 20 May 2021 Panel?
WG Extension	Modification 0734S - Reporting Valid Confirmed Theft of Gas into Central Systems	Reporting date for Workgroup to be extended to the 17 June 2021 Panel - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should the reporting date for 0734S Workgroup be extended to 17 June 2021 Panel?
WG Extension	Modification 0746 - Clarificatory change to the AQ amendment process within TPD G2.3	Reporting date for Workgroup to be extended to the 17 June 2021 Panel - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should the reporting date for 0746 Workgroup be extended to 17 June 2021 Panel?
WG Extension	Modification 0755 - Enhancement of Exit Capacity Assignments	Reporting date for Workgroup to be extended to the 17 June 2021 Panel - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should the reporting date for 0755 Workgroup be extended to 17 June 2021 Panel?
LT Request	Modification 0751 - Capping price increases for LongTerm Entry Capacity	Legal Text requested for Modification 0751 - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Legal Text be requested for Modification 0751?
LT Request	Modification 0752 - Introduction of Weekly NTS Entry Capacity Auctions	Legal Text requested for Modification 0752 - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Legal Text be requested for Modification 0752?
LT Request	Modification 0753 - Removal of Pricing Disincentives for Secondary Trading of Fixed Price NTS System Entry Capacity	Legal Text requested for Modification 0753 - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Legal Text be requested for Modification 0753?

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In favour	Not Present
✓	NP

Mod Type	Modification	Vote Outcome	Shipper Voting Members					Transporter Voting Members					IGT Voting Member	Consumer Voting Member	Non-Domestic Consumer Voting Member	Determination Sought	
			AG	DF	RK	MJ	RF	SM	DL	GD	HC	RP					TS
LT Request	Modification 0756S - Changes to Offtake Profile Notice Submission Requirements	Legal Text requested for Modification 0756S - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Legal Text be requested for Modification 0756S?

In favour	Not in Favour	Not Present	No Vote Cast
✓	X	NP	NV

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In favour	Not Present
✓	NP

**UNC Modification Panel
Minutes of Meeting 270 held on
Thursday 18 March 2021
via teleconference**

Attendees

Voting Panel Members:

Shipper Representatives	Transporter Representatives	Consumer Representatives
A Green (AG), Total Gas and Power D Fittock (DF), Corona Energy R Kealley (RK), British Gas M Jones (MJ), SSE R Fairholme (RF), Uniper S Mulinganie (SM), Gazprom Energy	D Lond (DL), National Grid G Dosanjh (GD), Cadent H Chapman (HC), SGN R Cailles (RC), BUUK R Pomroy (RP), Wales & West Utilities T Saunders (TS), Northern Gas Networks	L Snoxell (LS), Citizens Advice

Non-Voting Panel Members:

Chairperson	Ofgem Representative	Independent Supplier Representative
W Goldwag (WG), Chair	D O'Neill (DON)	(None)

Also, in Attendance:

- A Jackson (AJ), Gemserv
- A Stankiewicz (AS), National Grid
- B Fletcher (BF), Joint Office
- C Aguirre (AC), Pavilionenergy
- C Whitehouse (CW), Shell Energy
- E Rogers (ER), Xoserve - CDSP Representative
- G Evans (GE), WatersWye
- K Elleman (KE), Joint Office
- L Hayworth, Cornwall Insight
- L Walker, Gilmond

P Garner (PG), Joint Office

P Hobbins (PH), National Grid alt from 270.15 onwards

P Lucas (PL), National Grid

R Hailes (RH), Panel Secretary

Record of Discussions

270.1 Introduction

The UNC Modification Panel Chair (WG) welcomed all attendees.

WG noted that D O'Neill was attending the meeting as the Ofgem representative.

270.2 Note of any alternates attending the meeting

P Hobbins for D Lond, National Grid for items 270.15

R Kealley for M Bellman, ScottishPower

270.3 Record of apologies for absence

M Bellman, ScottishPower

N Bradbury, EIUG

270.4 Minutes of the last meetings (18 February 2021)

Panel Members approved the minutes from the 18 February 2021 meeting.

270.5 Review of Outstanding Action(s)

Action PAN 11/02: The Panel Chair asked the Joint Office to review and provide clarification of workgroup assessment and quoracy to avoid future debates on this topic.

Update: K Elleman (KE) advised that discussion of this item is deferred to the April meeting.

Carried Forward

Action PAN 12/01: BF, DF, PG to discuss potential options for considering Modifications with multiple alternatives.

Update: See discussion under AOB item 270.15 b) below.

Closed

Action PAN 01/02: The Joint Office (WG/PG) to provide an early draft of the Panel Chairs report to focus on style and layout.

Update: See discussion under AOB item 270.15 h) below.

Closed

270.6 Issues log

K Elleman (KE) advised materiality is a difficult judgement call and that it would seem sensible that if the legal text provider provides a view of the impact on legal text and this should define materiality. KE shared a statement regarding material change as defined by the European Court of Justice: *“extends the scope of the contract considerably; or. changes the economic balance of the contract; or. risks distorting competition to the detriment of other potential tenderers”*.

WG suggested a definition is established to guide Panel in these events and this could be based on current legal definitions.

S Mulinganie (SM) suggested the provision of examples to help guide Panel. R Hailes (RH) suggested a similar list to variations guidance.

R Pomroy (RP) suggested that the issue here is more around the materiality to the change of contract compared to the materiality of the change to the Modification. The BREXIT Modification concerns were around the title of the Modification and although he was very supportive of accurate titles, the title is not the Modification and does not impact the legal text.

- **New Action PAN03/01:** The Joint Office to provide a guidance document including examples of what could constitute a material variation.

Meeting Date	Minutes Ref.	Issue	Issue Raised By	Status	Owner
1	268.8	Lack of clarity around the definition of Materiality in respect of a Variation Request for a Modifications	JO	Review	None

270.7 Consider Urgent Modifications

- a) None

270.8 Consider Variation Request

- a) None

270.9 Final Modification Reports

a) Modification 0745 - Mandatory Setting of Auction Bid Parameters

Panel discussion: see the Final Modification Report published at:

<https://www.gasgovernance.co.uk/0745>

There were no queries in relation to the Legal Text.

Panel Members considered the Relevant Objectives and updates were captured in the Final Modification Report.

Panel Members then determined (13 Panel votes were available for the determinations):

- That there were no new issues requiring a view from Workgroup, by unanimous vote (13 out of 13).
- It is not related to the Significant Code Review, by unanimous vote (13 out of 13).
- The criteria for Self-Governance are met, as this Modification is unlikely to have a material effect on competition in the shipping, transportation or supply of gas conveyed through pipes or any commercial activities connected with the shipping, transportation or supply of gas conveyed through pipes, by unanimous vote (13 out of 13).
- To implement Modification 0745S, by unanimous vote in favour (13 out of 13).

270.10 Consider New, Non Urgent Modifications

a) Modification 0757 - Amendment to Ratchet Process Guidance Document Name

H Chapman (CH) provided a presentation to explain that this Modification has been submitted to update the title referenced in the UNC to the “Distribution Network Operator Designated Class 1 Guidance Document” as this is more in keeping with the parties that use the document. Self-Governance Fast Track procedures are proposed as the changes only amend the document title and UNC reference to that document.

HC noted that the UNC is being amended by the Modification and then the guidance document is being amended by a decision at the UNCC.

L Snoxell (LS) challenged where the guidance document is currently published on the Joint Office website as the only version available on the website is marked draft. HC advised the live version had been approved at the August 2020 UNCC meeting and should not be marked as draft.

Members agreed consideration should be deferred to the April meeting to ensure the correct sequencing of approval for the Modification and associated guidance document.

For Modification 0757 Members determined (13 Panel votes were available for the determinations):

- To defer consideration to the 15 April 2021 meeting, by unanimous vote (13 out of 13).

b) Modification 0758 - Temporary extension of AUG Statement creation process

G Evans (GE) provided a presentation on behalf of the proposer to explain the reasons why this Modification had been submitted. The aim is to allow the new AUG more time to establish an accurate analysis model and AUG Table.

GE confirmed that suggested text had been provided following discussions with the legal text provider and it was hoped that this would assist the preparation of Transporter provided legal text.

G Dosanjh (GD), noted the request for 1 month at workgroup, however the next meeting is planned to be held on the following Thursday and any legal text provided for the meeting would be at very short notice, due to the proximity of meetings. WG questioned members to understand if one meeting is sufficient?

R Kealley (RK) wanted to understand what would happen if Ofgem does not make a decision on implementation by 01 October, would the current AUG process conclude.

WG suggested that the rules continue as is unless amended by another Modification or process change. RP agreed with this view unless there is a disapproval of the AUG Statement by the UNCC.

T Saunders (TS) is sympathetic with getting the Modification to Ofgem quickly as this should allow them sufficient time to reach a conclusion on implementation. Although noting that good governance should be followed where possible to ensure there is a robust assessment of the Modification.

SM noted that Ofgem have been able to reach a decision on Modifications where this was a priority for them, and this should be the case for this Modification due to the associated and material impacts on the industry.

RP requested clarity on a number of points in the 'Why Change' section – does the AUGE have discretion of the methodology being used. GE confirmed this is the intention, this Modification is about allowing the AUGE more time to develop their methodology.

RP asked if the AUGE has asked for more time – no confirmation could be provided.

Post-meeting note

On 24 March 2021, the AUGE (Engage Consulting Ltd) confirmed, via Correla, that it has not requested more time to complete this year's statement and is on track to produce the final version on the AUG Statement by 31 March 2021, in line with the timetable in the AUG Framework.

SM noted that this Modification is not related to the letters submitted to the UNCC and therefore is not associated with the issues raised in those letters.

RP noted that temporary and permanent UIG is about establishing what the error is at D+5, what happens after is not related. GE agreed with this view and agreed this would be clarified for the workgroup.

RP asked if the £930m in benefits to reduce theft, is a derived benefit and not an actual benefit based on a projection of installed SMART meters. GE advised that this was a projected benefit from BEIS assessment of the benefits of installing SMART meters. The AUGE does not seem to have provided confirmation this has been taken account of and therefore more time should be offered to consider this challenge.

RP questioned if the difference between SMART meters installed and reconciled in systems, can this be investigated. GE agreed this is a discrepancy and needs to be investigated and taken account of.

RK questioned that by failing to allow sufficient time at workgroup might mean that Ofgem send the Modification back for further analysis. The industry is used to working to challenging timescales, but this is a very challenging to conclude an assessment in one meeting and is not the governance.

WG invited a view Ofgem in terms of prioritising Modifications during this challenging work environment.

D O'Neill (DON) noted that all Modifications are treated with respect, but prioritisation is needed, and each Modification is assessed accordingly. For good governance and to aid decision making, the Modification needs to be well developed and being well supported is an advantage. Panel should ensure the Modification is clear and sufficient time is provided at workgroup for a full assessment.

GE noted that there will always be differing views, but this does not mean the Modification is not clear and it is very unlikely that the solution proposed will change. There have been no comments on the solution and considering the value at stake, this should be considered to be high priority when making a decision. GE did not want to see the Modification overly delayed and would consider seeking urgent procedures to ensure there is no delay in the process.

RK noted the AUG process is well established and wanted to understand why that process should be overwritten or unduly delayed, this should be demonstrated in the Modification. GE noted the concern but challenged that the issue is around the value at stake for some parties, particularly for a newly appointed AUG to ensure their methodology is robust.

RK challenged that this Modification should be clearer if it is addressing a defect in the proposed methodology and not just about allowing more time.

DON noted the concerns and reiterated the need for a fully assessed Modification to aid with the decision-making process. DON asked why the Modification was not raised sooner. GE advised the process means the draft AUG statement publication and consultation process was in progress between December and February, this Modification was raised following the conclusion of that process to ensure the usual methods for reviewing the draft AUG statement were followed.

R Fairholme (RF) noted that AUG process is about moving money between parties so it is very unlikely that a consensus will be reached for these reasons.

Workgroup Questions:

1. Why Change Section of Modification - clarify the statements concerning temporary and permanent UIG at D+5.

For Request 0758 Members determined (13 Panel votes were available for the determinations):

- It is not related to the Significant Code Review, by unanimous vote (13 out of 13).
- The criteria for Self-Governance are NOT met, as this Modification is likely to have a material effect on competition in the shipping, transportation or supply of gas conveyed through pipes or any commercial activities connected with the shipping, transportation or supply of gas conveyed through pipes, by unanimous vote (13 out of 13).
- That Modification 0758 be issued to Workgroup 0758 with a report by the 20 May 2021 Panel, by majority vote (8 out of 13).

c) Modification 0759 – Enhancements to NTS Within-Day Firm Entry and Exit Capacity Allocations

A Stankiewicz (AS) advised that this Modification seeks to enhance the existing schedule of allocations for within-day NTS Firm Capacity products to allow Users greater access and flexibility to purchase NTS Capacity.

RF would support a reduced time at workgroup as this Modification is significantly developed following pre Modification discussions, 2 months should be sufficient.

RK wanted to understand the what the additional costs are required to put this change in place, would these exceed the benefit. AS advised that a ROM has been provided and this will be extended based on the additional requirements needed control rooms, but these are not considered material.

RH noted that this Modification would be allocated to Transmission workgroup and requested Panel to note that there are a significant number of Modifications in progress at this workgroup currently.

TS highlighted the self-governance determination date and reporting early, it would be better to set an earlier reporting date and extend if needed to avoid a delay to for an implementation decision.

LS requested the consumer benefits are clearly identified. RF would like to see this Modification conclude earlier as it would be beneficial to the wider industry.

Workgroup Questions:

1. Clearly identify any consumer benefits.

For Modification 0759 Members determined (13 Panel votes were available for the determinations):

- It is not related to the Significant Code Review, by unanimous vote (13 out of 13).
- The criteria for Self-Governance are met, as this Modification is not likely to have a material effect on competition in the shipping, transportation or supply of gas conveyed through pipes or any commercial activities connected with the shipping, transportation or supply of gas conveyed through pipes, by unanimous vote (13 out of 13).
- That Modification 0759S be issued to Workgroup 0759S with a report by the 20 May 2021 Panel, by unanimous vote (13 out of 13).

d) Modification 0760 - Introducing Derogation for Net Zero Innovation into Uniform Network Code (UNC)

T Saunders (TS) advised that this Modification seeks to introduce derogations for innovation projects related to Net Zero as a concept in the Uniform Network Code (UNC), defining when and how these can be requested, as well as the process around consideration and approval or rejection of derogation requests.

RF wanted to clarify that although derogation exists under BSE/DCUSA but it is not specifically for Net Zero as it was established for different reasons. He feels that the Ofgem “sandbox” is the right place for this type of project as they allow the money/funding of such projects.

TS advised that they have considered the “sandbox” as the way for managing such projects and were advised that Code changes would still be required for derogation purposes and such projects would be unworkable without this proposed approach.

RF expressed a concern that the scope could be expanded without parties understanding who is subject to the code and who isn’t and a complex approach to the change process for Panel.

RF asked if Panel has the authority to agree that a party is not subject to Code, how is that role defined and what happens with a breach. Perhaps Ofgem should clarify the “sandbox” approach.

SM would like to understand why non Net Zero projects or non Transporters are excluded when they would be working to reducing carbon emissions – how can others access the product.

DL wanted clarity on of the scope and clear guidance on what is out of scope such as charging.

DF challenged if Panel was the right place for such discussion/decisions, shouldn’t this be at a wider industry level so that the impacts and overall terms of reference can be established.

LS agreed about project definition and scope change and wanted to understand more about the consistency of approach. LS recognised the importance of this Modification and noted her support of innovation trials to achieve Net Zero and the associated consumer benefits.

Workgroup Questions

1. Consider scope and whether restrictions to the stated Net Zero type projects is appropriate.
2. Consider whether other areas of Code in addition to those identified should also be ring fenced.
3. Consider whether Panel is the correct place for these derogations to be discussed and if so, should any terms of reference be updated.
4. Consider constraints in terms of size of projects eligible.

For Modification 0760 Members determined (13 Panel votes were available for the determinations):

- It is not related to the Significant Code Review, by unanimous vote (13 out of 13).
- The criteria for Self-Governance are not met, as this Modification is likely to have a material effect on the governance arrangements for the UNC, by unanimous vote (13 out of 13).
- That Modification 0760 be issued to Workgroup 0760 with a report by the 16 September 2021 Panel, by unanimous vote (13 out of 13).

e) Modification 0761 – Arrangements for Interconnectors with additional Storage capability

P Lucas (PL) advised that this Modification proposes changes to the Uniform Network Code (UNC) to incorporate additional commercial arrangements for the operation of Interconnectors with additional storage capability.

RF questioned the licencing of such operators; as an interconnector can they be a transporter and a storage operator, as it is not clear they can. Why is this product being promoted by proposer and not by the interconnector organisation itself. RH suggested that it was not clear the interconnector organisation concerned can raise Modifications as it is not a UNC party and could not be considered as a materially affected party in this circumstance.

SM questioned if a linepack product could be used as short term storage, is this a significant and fundamental change to the operation of this network. PL agreed this was the likely consequence in terms of the product and its adoption.

RP noted linepack exist on DNO networks and is of interest to these networks. He was unsure of the concept in terms of flows via linepack can be identified as different in terms of flow to and from the UK.

PL clarified that the gas has to be delivered back to the network it left to be considered as storage, it is about commercial rather and physical delivery.

DON noted the concerns and would like to see these issues and concerns set out in the Workgroup Report.

LS agreed with this view and would also like to see tangible, qualified evidence for benefits to consumers.

SM advised he would like to see any potential EU law impacts identified and the use of clear definitions to explain the products involved.

RK asked if the interconnector has an embedded storage facility. PL confirmed it is likely to be linepack.

RK asked if there would be impacts on other storage operators? PL suggested this would form part of the workgroup discussions.

Workgroup Questions

1. Consider seeking a view from Ofgem on whether licence implications of the Modification Proposal (can both roles of Transporter and storage operator be fulfilled at the same time?)
2. Consider whether short cycle line-pack can fulfil the role of a storage product and if so its scope where line pack exists elsewhere.
3. Consider whether there is any quantified evidence of any impacts on consumers including benefits.
4. Consider offering a compliance with EU Law.

For Modification 0761 Members determined (13 Panel votes were available for the determinations):

- It is not related to the Significant Code Review, by unanimous vote (13 out of 13).
- The criteria for Self-Governance are not met, as this Modification is likely to have a material effect on competition in the shipping, transportation or supply of gas conveyed through pipes or any commercial activities connected with the shipping, transportation or supply of gas conveyed through pipes, by unanimous vote (13 out of 13).
- That Modification 0761 be issued to Workgroup 0761 with a report by the 16 September 2021 Panel, by unanimous vote (13 out of 13).

f) **Modification 0762 - Adding the Retail Energy Code Performance Assurance Code Manager as a new User type to the Data Permissions Matrix**

WG requested members to note that this Modification had been submitted at Short Notice and that they would be requested to vote on whether it should be considered or deferred to the next meeting.

H Chapman (HC) advised that this Modification seeks to amend the UNC Data Permissions Matrix (DPM) to add the Retail Energy Code Performance Assurance Code Manager as a new User type. Noting that the Modification was late, she would understand Members views if consideration were to be deferred.

A number of members noted that the Modification appeared to be straight forward in approach and indicated that they would support discussion of the modification as a pragmatic approach. However other members were concerned that despite being straightforward, this should not be a reason for late submission. Discussion was therefore deferred to April Panel. HC highlighted that this represents a change in precedent as short notice Modifications are routinely accepted at Panel in order to avoid unnecessary delays to the process. It was therefore noted by some members that treatment of Modification 0762 sets a new precedent whereby as a rule, short notice modifications will not be accepted.

For Modification 0762 Members determined (13 Panel votes were available for the determinations):

- Consideration deferred to the 15 April 2021 meeting, no unanimous vote in favour (13 out of 13).

270.11 Existing Modifications for Reconsideration

- a) **None**

270.12 Workgroup Issues

- b) **None**

270.13 Workgroup Reports for Consideration

- a) **Modification 0674 - Performance Assurance Techniques and Controls**

Panel Members noted the Workgroup Report recommendations that this Modification should be returned to workgroup for 1 Month.

Both DF and TS wanted to understand why the Modification is being extended again and is one month sufficient.

RH suggested that the Modification is very complex and needs to be fully assessed following recent changes. GD confirmed that as the solution has changed significantly, the legal text has to be reviewed and amended, although 2 months should be sufficient.

TS and RP suggested an extension for 4 months.

SM was supportive of 4 months but as the legal text is being drafted it might be prudent to opt for 2 months at this time.

For Modification 0674, Members determined (13 Panel votes were available for the determinations):

- Modification 0674 should be returned to Workgroup 0674 with a report presented to the 20 May 2021 Panel, by majority vote (10 out of 12).

b) Modification 0741S - Updating specific gender references to neutral terms

Panel Members noted the Workgroup Report recommendations that this Modification should be issued to consultation.

Members agreed that consultation should be reduced to 10 days so that the Final Modification Report can be considered at the 15 April 2021 Panel meeting.

For Modification 0741S, Members determined (13 Panel votes were available for the determinations):

- Modification 0741S should be issued to consultation with a close out date of 01 April 2021 (this includes a deemed request for Legal Text), by unanimous vote (13 out of 13).

270.14 Consideration of Workgroup Reporting Dates and Legal Text Requests

Panel Members determined unanimously to extend the following Workgroup reporting date(s), recorded here with some additional data:

Modification number and title	Current Panel reporting date	Requested Panel reporting date	Reason for request to change Panel reporting date/Comments
0674 - Performance Assurance Techniques and Controls	April 2021	May 2021	Issues require further consideration.
0734S - Reporting Valid Confirmed Theft of Gas into Central Systems	April 2021	June 2021	Issues require further consideration.
0746 - Clarificatory change to the AQ amendment process within TPD G2.3	April 2021	June 2021	Issues require further consideration.
0755 - Enhancement of Exit Capacity Assignments	April 2021	June 2021	Issues require further consideration.

Panel Members discussed Legal Text requests and determined unanimously to make a legal text request for the following Modification(s):

Legal Text Requests for Modifications
0751 - Capping price increases for LongTerm Entry Capacity
0752 - Introduction of Weekly NTS Entry Capacity Auctions
0753 - Removal of Pricing Disincentives for Secondary Trading of Fixed Price NTS System Entry Capacity
0756 - Changes to Offtake Profile Notice Submission Requirements

270.15 AOB

a) Legal Text Guidance Document – Annual Review

Members agreed to defer discussion to the April meeting.

b) Modifications with Multiple Alternatives

BF and DF provided a presentation on potential options for identifying Panel preferences for Modifications with multiple alternatives.

P Hobbins (PH) suggested that an option would be to establish a vote on the Relevant Objective vote and then preference vote to maintain transparency, and consistency. Panel should consider if this process should be put into Code.

HC would like to see a consistent approach to the questions being asked and this was confirmed as part of a discussion paper submitted to the December 2020 Panel.

DON could understand the points being raised and highlighted that there is no consistent approach for when managing multiple alternatives that provides Ofgem with a very clear steer as to Panel's preference for implementation and reasons why. He was also concerned that with recent examples the process failed to demonstrate that the alternatives were compliant with specific regulations when they needed to be.

WG summed up the discussion by confirming that the approach to preferences would continue as is, although Panel might need to reflect on the option to put the process into Code at a future date.

c) Proposed Update to UNC Modification Guidance for Proposers & Template

For review at the May Panel meeting.

d) User Representatives Appointment Process - Potential Improvements to the Process

KE advised that the Joint Office have a number of suggested improvements for the User Representatives Appointment Process.

KE suggested that it would be beneficial to bring forward the closing date of the nominations window from late July to early July, so that an update could be provided to Panel.

SM challenged what the advantage is or not of doing so.

KE suggested this might prove to be beneficial as Members might bring forward further nominations, by drumming up support for the establishment of Panel and other committees should nominations be short.

RK wanted to understand if there should be a review of the industry membership rules for example a similar approach as used in DSC Committees by constituency. Should these be based on a different approach to representation across the industry, so it is consistent.

SM was unsure that the rules needed changing as there is no evidence that DSC committees are populated to any greater degree. Nomination and representation has always been based on a willingness to stand and be voted for.

PG suggest a Modification would be required should the parties wish to change the Panel or committee structures.

RH advised that the annual Shipper User appointment process is available for review and any comments should be submitted well in advance of the User appointment process commencing in June 2021.

As a reminder PG noted that Panel members are appointed for 2 years which ends on 30 September 2021, therefore this year's election process would include Panel membership.

e) Code Changes under the Retail Code Consolidation Significant Code Review (Ofgem Letter)

SM noted that this letter sets out for Panels to consider avoiding changes where this might coincide or impact the Retail Energy Code (REC) implementation. His assumption was that Panel should be watching for possible conflicts but noted that we have an advantage in that Ofgem usually attends Panel and can help with guidance if needed.

PG advised that she will be meeting with REC representatives the following week to discuss potential impacts and roles of each Code.

f) Self- Governance Criteria - Guidance

RH asked members to note the review of this document is open for its annual review and members should submit any comments prior to the 15 April 2021 Panel meeting.

g) Late Papers

PG asked members to note that recently at certain meetings some attendees had requested the 5 Days in advance of the meeting submission requirement for papers rules should be relaxed or reduced to 3 Days. PG noted this support was not universal as some parties are opposed to reducing the window as it potentially prevents preparation for meetings when constituencies are represented and restricts debate.

HC challenged if the window is reduced to 3 days allowed, would we be having a similar conversation that parties are submitting papers with even shorter notice.

DF confirmed that he had worked in a number of Code Administrators and 5 Days is an established industry standard and allows the reader time to review and assess more accurately the paper presented.

RF agreed 5 Days has been the standard for the last 20 years or more. He felt moving towards 3 Days is now more appropriate with modern technology and when you consider weekends allow a degree of natural extension.

SM was supportive of 3 Days but wanted to see a dead zone around Panel and other critical meetings to allow the time for members to review papers without the need to attend other meetings. If there is a move to 3 Days then the rule should be maintained without exception.

TS is nervous about reducing reading windows for papers in advance of meetings, particularly when there are multiple meetings close together. This also needs to be considered around consultations and Panel time to review responses – her preference is to keep the rule with recognised exceptions.

GD wanted to understand how we keep the process moving so this discussion is not lost, so leads either to changes or confirmation of the current rules.

PH felt a “horses for courses” approach could be considered, decision making groups such as Panel or Committees should be 5 Days but with workgroups there may be scope to reduce to 3 Days except for when a Workgroup Report is to be concluded.

PG would like guidance on the approach to be taken, should it be for the Joint Office to enforce the rule or should it be down to committees and workgroups to decide if they wanted to consider a late paper.

SM would prefer if there was a wider review including spacing between meetings to allow for paper review.

WG suggested that 5 Days appears to be long when considering modern technology, However, this does not take account of the content of the paper or the complexity of the subject being considered. WG noted that 5 or 3 days is reasonably widespread across other committees they chair.

It was agreed this topic should be consider further at Governance workgroup.

h) Panel Chairs Annual Report

KE advised that a draft outline of the proposed report for discussion.

PG advised that following discussions with DF and others that a strategy day may be beneficial for Panel members moving forward and this would form part of the report pack.

i) DCC Service Flag

TS advised that the decision to implement Modification 0692 aligned to the DCC service flag update through SEC later this year. This will now need be pushed back until after CSS go live due to identified SEC issues.

Ofgem may also seek to understand other changes in progress and how these might be impacted by CSS implementation.

j) Request 0754R - Investigate Advanced Analytic Options to improve NDM Demand Modelling

RH raised a concern that the proposed workgroup is not being supported and currently is not quorate from a Shipper or Transporter perspective. Assistance is requested for members to seek support from relevant colleagues for this review.

k) Significant Measurement Error Report EM009 - Alrewas EM MTD

SM asked if this item could be added to the next Distribution workgroup agenda for an update. PG noted the concern and advised that this item was to be discussed during the March UNCC meeting (to be held directly after this meeting).

l) Modifications 0696 and 0701 update

TS requested an update from Ofgem seeking to know if they had made a decision on these Modifications, as delay is causing impacts.

DNO wanted to understand what would have been prevented if one of the Modifications had been implemented.

TS advised the PMSOQ may have ratcheted outside the NExA requirements, however this cannot be addressed outside of the capacity window. Although the Modifications are similar in effect, retrospection might need to be readdressed due to the delay in receiving an implementation decision.

DON advised that he would seek a view within Ofgem and provide an update.

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| <ul style="list-style-type: none">• New Action PAN03/02: Ofgem (DON) to provide an update on the delay for the implementation decisions for Modification 0696 and 0701 |
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270.16 Date of Next Meeting(s)

10:00, Thursday 15 April 2021, by teleconference.

Action Table (18 March 2021)

Action Ref	Meeting Date	Minute Ref	Action	Owner	Status Update	Date of Expected update
PAN 11/02	19/11/20	265.8	The Panel Chair asked the Joint Office to review and provide clarification of Workgroup assessment and quoracy to avoid future debates on this topic.	Joint Office	Carried Forward	April 2021
PAN 12/01	17/12/20	267.14	BF, DF, PG to discuss potential options for considering Modifications with multiple alternatives.	Joint Office (BF/PG)	Closed	
PAN 01/02	21/01/21	268.15 c)	The Joint Office (WG/PG) to provide an early draft of the Panel Chairs report to focus on style and layout.	Joint Office (WG/PG)	Closed	
PAN 03/01	18/03/21	270.6	The Joint Office to provide a guidance document including examples of what could constitute a material variation.	Joint Office (KE)	Pending	April 2021
PAN 03/02	18/03/21	270.15 i)	Ofgem (DON) to provide an update on the delay for the implementation decisions for Modification 0696 and 0701	Ofgem (DON)	Pending	April 2021