

**UNC Modification Panel**  
**Minutes of Meeting 271 held on**  
**Thursday 15 April 2021**  
**via teleconference**

**Attendees**

**Voting Panel Members:**

<b>Shipper Representatives</b>	<b>Transporter Representatives</b>	<b>Consumer Representatives</b>
A Green (AG), Total Gas and Power D Fittock (DF), Corona Energy M Bellman (MB), ScottishPower M Jones (MJ), SSE R Fairholme (RF), Uniper S Mulinganie (SM), Gazprom Energy	D Lond (DL), National Grid G Dosanjh (GD), Cadent D Mitchell (DM), 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:**

<b>Chairperson</b>	<b>Ofgem Representative</b>	<b>Independent Supplier Representative</b>
W Goldwag (WG), Chair	R Fernie (RF)	(None)

**Also, in Attendance:**

- A Bates (AB), South Hook Gas
- C Aguirre (AC), Pavilionenergy
- C Whitehouse (CW), Shell Energy
- C Baldwin (CB), Gemserv for RECCo (*for 271.14 d*)
- D Simons (DS), Gemserv for PAFA
- E Rogers (ER), Xoserve - CDSP Representative
- G MacGregor (GM), Utilita
- H Morgan-Cooper (HMC), Ovo Energy

J Randall (JR), National Grid

K Morley (KM), Cornwall Insight

Maitrayee Bhowmick-Jewkes (MBJ), Joint Office

P Garner (PG), Joint Office

R Hailes (RH), Panel Secretary

R Johnstone (RJ), Utilita

S Hughes (SH), CitizensAdvice

## **Record of Discussions**

### **271.1 Introduction**

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

WG noted that R Fernie (RFe) was attending the meeting as the Ofgem representative.

### **271.2 Note of any alternates attending the meeting**

D Mitchell on behalf of H Chapman, SGN

### **271.3 Record of apologies for absence**

H Chapman, SGN

N Bradbury, EIUG

### **271.4 Minutes of the last meetings (18 March 2021)**

Panel Members noted some requests to amend the minutes from 18 March 2021 had been made.

Panel Members approved the amended minutes.

### **271.5 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:** P Garner (PG) advised that discussion of this item will be deferred to the June meeting.

#### **Carried Forward**

**Action PAN 03/01:** The Joint Office to provide a guidance document including examples of what could constitute a material variation.

**Update:** PG advised that discussion of this item will be deferred to the June meeting.

#### **Carried Forward**

**Action PAN 03/02:** Ofgem (DON) to provide an update on the delay for the implementation decisions for Modification 0696 and 0701.

**Update:** RFe advised that Ofgem will prioritise the implementation decision for Modification 0696 and that Modification 0701 will be considered in due course.

**Carried Forward**

**271.6 Issues log**

PG confirmed that the issue shown below is being covered by Action PAN 03/01

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

**271.7 Consider Urgent Modifications**

- a) None

**271.8 Consider Variation Request**

- a) None

**271.9 Final Modification Reports**

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

Panel discussion: see the Final Modification Report published at:

<https://www.gasgovernance.co.uk/0741>

G Dosanjh (GD) advised that a number of issues in relation to the Legal Text had been raised during consultation and suggested it would be beneficial if an amended version of the Legal Text was discussed in detail at Workgroup.

WG asked Panel Members to consider whether the Modification should be deferred or whether it needed to be issued to Workgroup.

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).
- Issued to Workgroup 0741S with a report to be presented to the 20 May 2021 Panel, by unanimous vote in favour (13 out of 13).

#### 271.10 Consider New, Non-Urgent Modifications

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

D Mitchell (DM) provided a presentation to explain that this Modification has been submitted to update the title referenced in the Uniform Network Code (UNC) as the “Ratchet Process Guidance Document” to the “Distribution Network Operator Designated Class 1 Guidance Document”. Self-Governance Fast Track procedures are proposed as the changes only amend the document title and UNC reference to that document.

DM advised that whilst Panel would decide on whether to approve the Modification, the change to the title of the guidance document would require approval from the UNC Committee (UNCC).

T Saunders (TS) suggested that without UNCC’s approval of the change in title of the guidance document, Panel’s decision to implement this Modification would be overruled.

For Modification 0757 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).
- No Cross Code Impact has been identified, 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).
- The criteria for Fast-Track Self-Governance are met as this Modification is proposing a house keeping change which has no material impact on the UNC, by unanimous vote (13 out of 13).
- To implement Modification 0757FT, by unanimous vote in favour, subject to the UNCC approving the change to the title of the document (13 out of 13).

**b) Modification 0762 - Adding the Retail Energy Code Company as a new User type to the Data Permissions Matrix**

E Rogers (ER) provided a presentation on behalf of the proposer to explain that the Retail Energy Code Company (RECCo) are responsible for ensuring the implementation and ongoing management of the Retail Energy Code (REC) and in order to perform this activity, they need access to the data within the UNC Data Permissions Matrix (DPM). This Modification seeks to amend the DPM to add RECCo as a new User type.

ER noted that the Modification had been amended further to pre-modification discussions at the March Distribution Workgroup.

D Fittock (DF) asked who would have access to the data and how access would be managed. ER clarified that access could be requested by REC parties and it would be managed by the DSC Contract Management Committee.

ER suggested that the timetable for the Modification should be expedited with the Workgroup Report being submitted to the May Panel, as the Modification is not complex and is well developed. S Mulinganie (SM) supported this view.

PG noted the suggestion and advised that submitting the Workgroup Report to the June Panel was a more realistic approach, but the Joint Office would support the Workgroup and try to submit it earlier if possible.

For Modification 0762 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).
- No Cross Code Impact has been identified, 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 0762S be issued to Workgroup 0762S with a report by the 17 June 2021 Panel, by unanimous vote (13 out of 13).

**c) Request 0763R - Review of Gas Meter By-Pass Arrangements**

D Simons (DS) introduced this Request on behalf of the proposer, advising that the Performance Assurance Committee (PAC) had identified a risk in relation to Meter By-Pass values. The risk was to settlement accuracy should a By-Pass be installed and left in 'open' position allowing gas to bypass the meter. DS noted that PAC were concerned that existing By-Pass arrangements may not be fit for purpose and data held in industry systems may not be accurate and therefore this Request has been raised to seek a review of the existing Meter By-Pass arrangements.

SM noted that the Request had identified potential crossovers with other codes such as REC, Supply Point Arrangement Agreement (SPAA) and Meter Asset Managers Code of Practice (MAMCoP) and commented that the issues would only be relevant for REC rather than SPAA or MAMCoP. DS agreed with this view and clarified that parties to the other codes would be impacted by this Request rather than the codes themselves.

R Hailes (RH) advised that the representatives of the other codes impacted by this Request would be invited to participate in this Workgroup by the Joint Office.

For Request 0763R Members determined (13 Panel votes were available for the determinations):

- That Request 0763R be issued to Workgroup 0763R with a report by the 21 October 2021 Panel, by unanimous vote (13 out of 13).

**d) Modification 0765 - New retrospective debit and credit charges to reflect changes to the treatment of Entry Capacity Revenue between October and December 2020**

D Lond (DL) advised that following the implementation of Modification 0678A, inappropriately high cashflows were subject to the Capacity Neutrality Arrangements that was paid to Entry Users. Modification 0748 implemented a change to stop this from January 2021. This Modification seeks to create a charge to reflect the removal of specific Entry Capacity revenues from Capacity Neutrality for October, November and December 2020 and a credit to redistribute these monies across those subject to additional Entry charges across February 2021 –September 2021.

DL explained that if no action were taken to address the issue, the inappropriate revenue redistribution (relating to the period October – December 2020) will not be resolved and would result in a further detrimental impact on competition between Shippers and negatively impact the fairness of the charging regime, including potential impacts to end consumers. The total amount to be charged and redistributed is approximately £47m.

R Fairholme (RF) noted that Shippers would require longer to review this issue as it involved a significant sum of monies and the Modification is proposing a retrospective regulatory change. RF suggested at least 6 months was necessary for the Workgroup to review this Modification with the caveat the Workgroup Report would be submitted to Panel earlier if possible.

M Jones (MJ) agreed this Modification should be considered for longer at Workgroup as there were no pressing timescales to implement it. He added that Shippers had made decisions which have been in place since October 2020 and which would have been different had they known to expect this Modification.

R Pomroy (RP) noted he had discussed this Modification with DL for clarification on whether there would be any leakage from these entry charges onto the exit charges. DL advised that this was highly unlikely to be an outcome but could be further considered by the Workgroup.

SM asked if the timing for raising this Modification was appropriate. He also noted there were some legal issues that would need to be addressed as there was nearly £50m at stake. He advised that a significant legal challenge may also be issued. SM agreed with the view that the proposed three months was not sufficient to review this Modification in full and supported the view that a minimum of 6 months would be required.

L Snoxell (LS) noted that at NTSMCF on 12 April 2021, National Grid had presented a graph which highlighted the inappropriate payments which this Modification sought to redistribute and attempted to illustrate how it would be redistributed. She commented that it appeared to be quite straightforward, as £47m appears to have been credited to the wrong organisations and this needs to be rectified. She challenged why Workgroup discussions would take longer if the Proposer believed it could be resolved in a shorter time frame.

DL presented a graph<sup>1</sup> which showed that some Shippers would get a large debit whilst others would receive a large credit once this arrangement was implemented, noting that it should not have a significant impact on forecasting for parties.

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<sup>1</sup> National Grid supplied an Initial Assessment presentation for Modification 0765 which was presented at NTSCMF on 12 April 2021. The slide highlighted by DL is slide 3 of this pack (entitled “Applicable Capacity Neutrality payment from Shippers between Oct – Dec 2020 against the changes received based on the proposed MOD”). It is based on data from February 2021 only as newer data is not yet available. It can be found here: <https://www.gasgovernance.co.uk/ntscmf/120421>

LS asked the Joint Office to include the slide presented by DL in the Workgroup Report for this Modification.

**New Action PAN 04/01:** The Joint Office to include the graph presented by National Grid on 12 April 2021 showing amounts received and proposed reimbursements (page 3 of Retrospective Capacity Neutrality Assessment Initial Analysis slides) into the Workgroup Report for 0765.

*Post-Meeting Update: Draft Workgroup Report has been created for Modification 0765 which includes the graph.*

WG noted that the Workgroup should not take longer because of any corporate risk or impacts from this Modification.

SM advised that there were broader issues at play which needed to be reviewed in detail. He noted that Capacity Neutrality had functioned as expected but consequential impact from another Modification had resulted in this scenario. SM added Ofgem would also require a solid business case to be presented to them.

RFe commented that because of the significant sum of monies involved, this matter should be discussed at Workgroup for a robust Final Modification Report to be produced.

RF noted that this was the first retrospective gas charging Modification, and if this Modification is allowed it would allow the possibility for National Grid to raise further retrospective Modifications in the future if they identified any deficit.

**Workgroup Questions:**

1. Seek confirmation that there are no leakage effects to Exit Charges.
2. Consider justification of Retrospection.

The determinations sought from Panel Members for Modification 0765 in terms of reporting back to Panel considered 3, 4 and 6 months reporting time.

For Modification 0765 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).
- No Cross Code Impact has been identified, 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 0765 is not to be issued to Workgroup 0765 with a report by the 15 July 2021 Panel, by majority vote (9 out of 13).
- That Modification 0765 is not to be issued to Workgroup 0765 with a report by the 19 August 2021 Panel, by majority vote (7 out of 13).
- That Modification 0765 be issued to Workgroup 0765 with a report by the 21 October 2021 Panel, by majority vote (12 out of 13).

**e) Modification 0766 - Align TPD Section Y (Part A-I) to the National Grid Licence in respect of the NTS**

DL advised that changes to the National Grid Licence, which took effect from 01 April 2021, have resulted in a quantity of changes to the numbering of individual Licence Conditions and revisions to a number of defined terms. This means that a number of the cross references and references to NGG Licence terms in UNC TPD Y Part A-I are now incorrect.

Self-Governance Fast Track procedures are proposed because this Modification 0766 has no effect on existing or future gas consumers, competition between parties, operation of network systems or UNC procedures nor will it unduly discriminate between different classes of UNC parties. The Modification will have no effect on existing or future gas consumers, competition between parties, operation of network systems or UNC procedures nor will it unduly discriminate between different classes of UNC parties. It proposes to only update cross references and defined terms which link to the NGG Licence. These do not change the operation and application of the NTS Charging Methodology.

For Modification 0766 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).
- No Cross Code Impact has been identified, 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).
- The criteria for Fast-Track Self-Governance are met as this Modification is proposing a house keeping change which has no material impact on the UNC, by unanimous vote (13 out of 13).
- To implement Modification 0766FT, by unanimous vote in favour (13 out of 13).

#### **271.11 Existing Modifications for Reconsideration**

- a) **None**

#### **271.12 Workgroup Issues**

- b) **None**

#### **271.13 Workgroup Reports for Consideration**

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

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

PG advised that Workgroup had recommended an extended consultation period for this Modification and a 20 day consultation was being proposed. SM asked if a longer consultation period was possible. PG agreed and suggested a 25 day consultation ending on 24 May 2021, which SM accepted.

SM noted that the Modification was placing an obligation on Panel Members and asked who would be responding to this. PG noted anyone could respond to the consultation and responses could be issued on behalf of an organisation, as well as by an individual acting as a Panel Member.

DF noted that the consultation was also putting an obligation on non-UNC parties and asked how these parties were being contacted. PG advised the Joint Office would publish the Draft Modification Report and consultation template and issue them to the Joint Office distribution lists. PG suggested DF forward the consultation directly to any non-UNC party he was aware of, who would be impacted by this Modification.

DF asked for a covering note to be issued alongside the consultation stating that this Modification would affect non-UNC parties and it should be forwarded to them. He also asked if an additional question could be added to the consultation asking if it was appropriate for this Modification to impact non-UNC parties.

M Bellman (MB) clarified that whilst the Modification was not placing an obligation on non-UNC parties, parties who interact with PAC and have an impact on settlement accuracy would be impacted by it.

LS asked what the proposed costs for this Modification were. MB advised that this Modification had no system changes and therefore did not have any direct costs. However, he noted costs may be impacted by how PAC used their budget.

PG asked MB as the Proposer of this Modification to provide a view of benefits arising from this Modification. MB advised that this Modification would result in better settlement accuracy and increased meter reads which would have a positive impact on the end consumer.

**Additional Questions:**

1. Do respondents think it is appropriate non-UNC parties will be impacted by this Proposal?
2. Consider the impact of the overarching principle of the Proposal to apply to the UNC Modification Panel, UNCC, UNC Sub-committees and parties as set out in Business Rule 2a.

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

- Modification 0674 should be issued to consultation with a close out date of 24 May 2021 (this includes a deemed request for Legal Text), by unanimous vote (13 out of 13).

**b) Modification 0751 - Capping price increases for Long-Term Entry Capacity**

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

PG advised that the Workgroup Report for this Modification had been submitted late as it had been finalised at the NTSCMF Workgroup on 12 April 2021 and Panel had requested the Report by 15 April.

LS challenged the delay in producing the report.

TS noted that the Legal Text for this Modification was also delayed and suggested it should be sent back to Workgroup.

DL advised that the Workgroup had reviewed the Legal Text for both Modification 0751 and Modification 0753 and no questions had been raised. DL therefore suggested there was no benefit in this Modification being returned to Workgroup but did note that due to the publication of the Workgroup report Panel had not had sufficient time to review the document fully prior to the meeting.

WG agreed with this view and noted that Panel needed time to review the Workgroup Report before making a decision.

For Modification 0751, Members determined (13 Panel votes were available for the determinations):

- To defer consideration to the 20 May 2021 meeting, by unanimous vote (13 out of 13).

**c) Modification 0752 - Introduction of Weekly Entry Capacity Auction**

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

DL advised the Legal Text for this Modification had been submitted late and had not been reviewed by the Workgroup.

RF asked if the Modification was returned to Workgroup would there be any meaningful development for the Modification and asked the Proposer to check the Legal Text matched the intention of the Modification.

WG asked Panel whether the Modification should be issued for consultation if the Legal Text had not been reviewed by the Workgroup.

RP noted if there was a question of whether the Legal Text reflected the intent of the Modification, it was a serious issue and would need reassurances.

DL suggested that the solution for the Modification needed further development to be aligned with the Legal Text.

RH confirmed that there had been some concerns regarding the Legal Text and the Solution for the Modification not being aligned and noted that the Proposer had advised the Modification would be amended for a final time to v4.0 as a result of final discussions and clarifications at Workgroup on 12 April 2021. As the Workgroup Report was finalised before the final version of the Modification was received, the Workgroup Report was not aligned to it. RH confirmed that the Draft Modification Report had instead been updated to align it with the Modification v 4.0.

WG suggested it appeared that the issue had been resolved and the Modification should not be delayed any further. SM agreed with this view.

A Bates (AB), the Proposer of the Modification confirmed the Modification 0752 v4.0 dated 01 April 2021 was now aligned to the Legal Text and that he was satisfied the Legal Text met the intent of the Solution.

SM commented that if the Proposer of the Modification was satisfied and the Workgroup had recommended the Modification should be issued for consultation, it should not be delayed any further.

DL asked Panel to note if the Self-Governance criteria for this Modification should be reviewed as the Workgroup has suggested this Modification was suitable for Self-Governance rather than Authority Direction.

**Additional Consultation Question:**

- Is this Modification suitable for self-governance procedures?

For Modification 0752, Members determined (12 Panel votes were available for the determinations):

- Modification 0752 should be issued to consultation with a close out date of 11 May 2021 (this includes a deemed request for Legal Text), by unanimous vote (12 out of 12).

**d) Modification 0753 - Removal of Pricing Disincentives for Secondary Trading of Fixed Price NTS System Entry Capacity**

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

PG advised that the Workgroup Report had been submitted late.

WG recommended and Panel Members agreed to defer this Modification for consideration to the May Panel meeting.

For Modification 0753, Members determined (12 Panel votes were available for the determinations):

- To defer consideration to the 20 May 2021 Panel meeting, by unanimous vote (12 out of 12).

**e) Modification 0756S - Changes to Offtake Profile Notice Submission Requirements**

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

For Modification 0756S, Members determined (13 Panel votes were available for the determinations):

- Modification 0756S should be issued to consultation with a close out date of 10 May 2021 (this includes a deemed request for Legal Text), by unanimous vote (13 out of 13).

**271.14 Consideration of Workgroup Reporting Dates and Legal Text Requests**

There were no Workgroups requiring an extension to reporting dates.

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

<b>Legal Text Requests for Modifications</b>
0759S - Enhancements to NTS Within-Day Firm Entry and Exit Capacity Allocations
0758 - Temporary extension of AUG Statement creation process

**271.15 AOB**

**a) Legal Text Guidance Document – Annual Review**

Members agreed to defer discussion to the May meeting.

**b) Proposed update to UNC Modification Guidance for Proposers & Template**

It was noted that this item is due for discussion at the May 2021 meeting.

LS asked for assurances that this would be available in May. PG advised the Joint Office would use reasonable endeavours to produce this.

**c) Self- Governance Criteria - Guidance**

Members agreed to defer discussion to the May meeting.

LS challenged the delays in producing this document. WG asked PG to review when this along with Legal Text Guidance document and Updated UNC Modification Guidance can be assessed. PG advised it was difficult to confirm this as it would depend on resources and workload and the Joint Office was currently experiencing extreme resource constraints and facing an unusually high workload.

The Panel discussed how they could support the Joint Office ensure they had sufficient resources.

**New Action PAN 04/02:** PG to provide an update on resources and planning at the May 2021 Panel meeting and use reasonable endeavours to finalise items 271.15 a), b) & c).

**d) REC Cross Code Steering Group – UNC representation**

WG advised that C Baldwin (CB) had been invited to the meeting to provide a presentation on the REC Cross Code Steering Group.

CB provided an overview of the Cross Code Steering Group which will analyse the impact of cross code impacts on all industry changes.

RP noted that under the UNC at present the Proposer of a change determines any cross code impact.

CB advised Code Managers will be expected to review each change and identify any cross code impact and suggested that it may improve the Critical Friend process to make it more robust and put the onus on Proposers to identify any cross code impact at the beginning.

PG noted the proposal was referencing Code Managers whereas the gas industry had Code Administrators. PG asked if Panel was expected to carry out this exercise for UNC Modifications as the Joint Office was not a Code Manager.

CB advised that REC was not the architect of this process and were facilitating it on behalf of Ofgem and urged the Joint Office or Panel to raise any cause for concerns to Ofgem.

RP noted these comments have already been fed back to Ofgem but it does not appear to have been taken on board.

WG invited RFe to comment on behalf of Ofgem.

RFe noted that these discussions had been taking place for a while and this initiative would allow and encourage Proposers and Code Administrators to identify any cross code impacts either at the Critical Friend process or at Workgroup stage.

GD advised he had received an email from Ofgem in relation to Modifications raised by Ofgem for the UNC consequential changes for REC Significant Code Review which may be relevant to this discussion.

WG suggested the email be circulated to the UNC distribution list. GD advised he would forward the email to the Joint Office and the Joint Office would forward it to their distribution list.

GD noted there was an obligation on Gas Transporters to produce the Legal Text drafting by 23 April for the Ofgem raised Modifications, but advised this deadline was unlikely to be met as the Transporters would need to meet before instructing lawyers to produce the text. As the deadline is one week away, it was unlikely they would be able to produce the draft Legal Text in this time. CB accepted this.

#### **e) Consumer Representative Update from May 2021**

PG advised that the Non-Domestic Consumer Representative seat has now become vacant as N Bradbury had not attended the last three Panel meetings.

PG noted the Joint Office would write to the industry for nominations to fill the seat and would collate all expressions of interest to send to Ofgem as it would be an Authority appointment.

SM asked if this process would conclude before the next Panel meeting. PG advised this was unlikely and would depend on how soon Ofgem made a decision.

#### **f) Authority Update – KPIs**

WG introduced RFe, who presented changes to Ofgem's decision making and governance processes.

These proposals include amending the KPIs for providing decisions on Modifications. WG noted Ofgem is possibly struggling with resources like most other regulators. RFe confirmed this and commented that the process being proposed would allow Ofgem to provide decisions on Modifications while not losing transparency.

RFe also presented Ofgem's proposals to make codes better and more user friendly, encompassing a range of actions, including:

- rationalisation
- equality and diversity actions
- digital transformation

The Panel discussed the importance of Cross Code engagement. WG mentioned the Code Chairs meeting which will include the Chairs of the various industry codes, and the first meeting of which will be held on Monday 19 April 2021.

RF observed the proposal to simplify the UNC would be difficult as it is a legal document. RF noted it may be better for the document to be complex but accurate rather than simple and vague.

RFe accepted these concerns.

**g) Cross Code Survey**

RFe asked the Joint Office and parties to the UNC to engage and complete the Code Administrators survey, which will be delivered soon via a third party organisation.

**271.16 Date of Next Meeting(s)**

10:00, Thursday 20 May 2021, by teleconference.

**Action Table (15 April 2021)**

<b>Action Ref</b>	<b>Meeting Date</b>	<b>Minute Ref</b>	<b>Action</b>	<b>Owner</b>	<b>Status Update</b>	<b>Date of Expected update</b>
<b>PAN 11/02</b>	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	<b>Carried Forward</b>	<b>June 2021</b>
<b>PAN 03/01</b>	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)	<b>Carried Forward</b>	<b>June 2021</b>
<b>PAN 03/02</b>	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)	<b>Carried Forward</b>	<b>May 2021</b>
<b>PAN 04/01</b>	15/04/21	271.10 d)	The Joint Office to include the graph presented by National Grid on 12 April 2021 showing amounts received and proposed reimbursements (page 3 of Retrospective Capacity Neutrality Assessment Initial Analysis slides) into the Workgroup Report for 0765.	Joint Office (RH)	<b>Pending</b>	<b>May 2021</b>
<b>PAN 04/02</b>	15/04/21	271.15 c)	PG to provide an update on resources and planning at the May 2021 Panel meeting and use reasonable endeavours to finalise items 271.15 a), b) & c).	Joint Office (PG)	<b>Pending</b>	<b>May 2021</b>

Record of Determinations: Panel Meeting 271 15 April 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	MB	MJ	RF	SM	DL	GD	DM	RP	TS				
FMR	Modification 0741S - Updating specific gender references to neutral terms	No new issues were identified during the consultation - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Were any new issues identified during the Consultation?
		Modification to be sent back to Workgroup 0741S for further consideration with a report presented to the 20 May Panel - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Modification 0741S be sent back to Workgroup for further consideration with a report presented to the 20 May 2021 Panel
New Mod	Modification 0757 - Amendment to Ratchet Process Guidance Document Name	Is 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 0757 impact a Significant Code Review?
		Modification has Cross-Code Impacts - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	X	NP	Does Modification 0757 have any Cross-Code Impacts?
		Is a Self-Governance Modification - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Does Modification 0757 meet the Self-Governance Criteria?
		Modification is to be Fast Tracked - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Does Modification 0757S satisfy the Fast-Track Criteria?
		Modification is to be implemented - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Modification 0757FT be implemented?
New Mod	Modification 0762 - Adding the Retail Energy Code Performance Assurance Code Manager as a new User type to the Data Permissions Matrix	Is 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 0762 impact a Significant Code Review?
		Is a Self-Governance Modification - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Does Modification 0762 meet the Self-Governance Criteria?
		Modification has Cross-Code Impacts - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	X	NP	Does Modification 0762 have any Cross-Code impacts?
		Modification is to be issued to Workgroup 0762S with a report by the 17 June 2021 Panel - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Modification 0762S be issued to Workgroup with a report to be presented to the 17 June 2021 Panel?

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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	NOT-Domestic Consumer Voting Member	Determination Sought	
			AG	DF	MB	MJ	RF	SM	DL	GD	DM	RP					TS
New Mod	<b>Request 0763R - Review of Gas Meter By-Pass Arrangements</b>	Request is to be issued to Workgroup 0763R with a report by the 21 October 2021 Panel - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Request 0763R be issued to Workgroup with a report to be presented to the 16 September 2021 Panel?
New Mod	<b>Modification 0765 - New retrospective debit and credit charges to reflect changes to the treatment of Entry Capacity Revenue between October and December 2020</b>	Is 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 0765 impact a Significant Code Review?
		Modification has Cross-Code Impacts - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	X	NP	Does Modification 0765 have cross-code impacts?
		Is a Self-Governance Modification - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	X	NP	Does Modification 0765 meet the Self-Governance Criteria?
		Modification is to be issued to Workgroup 0765 with a report by the 15 July 2021 Panel - majority vote in against	X	X	X	X	X	X	✓	X	✓	X	X	✓	✓	NP	Should Modification 0765 be issued to Workgroup with a report to be presented to the 15 July 2021 Panel?
		Modification is to be issued to Workgroup 0765 with a report by the 19 August 2021 Panel - majority vote against	X	X	X	X	X	X	✓	X	✓	✓	✓	✓	✓	NP	Should Modification 0765 be issued to Workgroup with a report to be presented to the 19 August 2021 Panel?
		Modification is to be issued to Workgroup 0765 with a report by the 21 October 2021 Panel - majority vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	X	NP	Should Modification 0765 be issued to Workgroup with a report to be presented to the 21 October 2021 Panel?
		Is 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 0766 impact a Significant Code Review?
		Modification has cross-code impact - unanimous vote against	X	X	X	X	X	X	X	X	X	X	X	X	X	NP	Does Modification 0766 have cross-code impact?

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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.

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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	MB	MJ	RF	SM	DL	GD	DM	RP					TS
New Mod	Modification 0766 - Align TPD Section Y (Part A-I) to the National Grid Licence in respect of the NTS	Is a Self-Governance Modification - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Does Modification 0766 meet the Self-Governance Criteria?
		Modification is to be Fast Tracked - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Does Modification 0766S satisfy the Fast-Track Criteria?
		Modification is to be implemented - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Modification 0766FT be implemented?
WG Reporting	Modification 0674 - Performance Assurance Techniques and Controls	Modification 0674 to be issued to consultation, with consultation closing out on 24 May 2021 - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Modification 0674 be issued to Consultation, closing on 24 May 2021 and be considered at the 17 June 2021 Panel meeting?
WG Reporting	Modification 0751 - Capping price increases for Long-Term Entry Capacity	Modification 0751 to be deferred to 20 May 2021 - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Modification 0751 be deferred to 20 May 2021?
WG Reporting	Modification 0752 - Introduction of Weekly Entry Capacity Auction	Modification 0752 to be issued to consultation, with consultation closing out on 11 May 2021 - unanimous vote in favour	✓	✓	✓	✓	✓	✓	NP	✓	✓	✓	✓	✓	✓	NP	Should Modification 0752 be issued to Consultation, closing on 11 May 2021 and be considered at the 20 May 2021 Panel meeting?
WG Reporting	Modification 0753 - Removal of Pricing Disincentives for Secondary Trading of Fixed Price NTS System Entry Capacity	Modification 0753 to be deferred to 20 May 2021 - unanimous vote in favour	✓	✓	✓	✓	✓	✓	NP	✓	✓	✓	✓	✓	✓	NP	Should Modification 0753 be deferred to 20 May 2021?
	Modification 0756S - Changes to Offtake Profile Notice Submission Requirements	Modification 0756S to be issued to consultation, with consultation closing out on 10 May 2021 - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Modification 0756S be issued to Consultation, closing on 10 May 2021 and be considered at the 20 May 2021 Panel meeting?

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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	NOT- Domestic Consumer Voting Member	Determination Sought	
			AG	DF	MB	MJ	RF	SM	DL	GD	DM	RP					TS
LT Request	<b>0759S - Enhancements to NTS Within-Day Firm Entry and Exit Capacity Allocations</b>	Legal Text requested for Modification 0759S - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Legal Text be requested for Modification 0759S?
LT Request	<b>0758 - Temporary extension of AUG Statement creation process</b>	Legal Text requested for Modification 0758 - unanimous vote in favour	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NP	Should Legal Text be requested for Modification 0758?

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