

30 March 2006

Julian Majdanski  
UNC Modifications Secretary  
Joint Office of Gas Transporters  
31 Homer Road  
Solihull  
B91 3LT

Dear Julian

**GAZ DE FRANCE ESS (UK)  
LTD**

1 City Walk  
Leeds  
LS11 9DX  
United Kingdom

tel: +44 (0)113 306 2000  
fax: +44 (0)113 245 1515

[www.gazdefrance.co.uk](http://www.gazdefrance.co.uk)

REGISTERED IN ENGLAND  
NO. 2706333

**RE: Code Modification Proposal 0039 – Removal of 9.5.5 of the  
Modification Rules**

Thank you for the opportunity to respond to the above modification proposal.

Gaz de France ESS supports this proposal.

The deletion of paragraph 9.5.5 of the modification rules clarifies the position regarding right of appeal and facilitates the intent of the appeals mechanism recently put in place by the DTI. In the situation of 50:50 split voting by Modification Panel members any subsequent decision by OFGEM would be able to be appealed. In the instances where there is a split panel and therefore no recommendation in favour of implementation, it is likely that these are the more contentious areas and these are precisely the issues which should have right of appeal.

We agree with the proposer; that this proposed modification would better facilitate GT Licence standard conditions A11.2 and also A11.1(f) as specified.

If you have any queries regarding this response please contact me on 0113 3062104.

Yours sincerely



**Phil Broom  
Regulatory Affairs Analyst  
Gaz de France ESS**