

CODE MODIFICATION PROPOSAL No 0199
Clarification around the application of the UNC Dispute Resolution Process
Version 2.0

Date: 20/02/2008

Proposed Implementation Date:

Urgency: Non Urgent

Proposer's preferred route through modification procedures and if applicable, justification for Urgency

(see the criteria at http://www.ofgem.gov.uk/temp/ofgem/cache/cmsattach/11700_Urgency_Criteria.pdf)

Urgent procedures are not sought for this modification

Nature and Purpose of Proposal (including consequence of non implementation)

Section A of the UNC General Terms sets out the process for the resolution of disputes between parties.

Historically there have been questions raised by Transporters as to the extent to which GT Section A can be applied where the user cannot link their dispute directly to a chargeable service covered in Section S of the TPD.

There are a number of services and obligations carried out by Transporters that are defined in UNC that are not covered by an Invoice Item as defined in TPC Section S and there is a lack of clarity as to whether they are subject to the query process as defined in Section A.

This Modification seeks to give clarity to the current situation by amending GT Section A 1.1.2 (a) as follows:

- (a) "**dispute**" is any dispute or difference arising between the Parties under or in connection with the Code, the Framework Agreement, any Ancillary Agreement or any Supplemental Agreement; and is not limited to disputes arising from Queries as defined within the Transportation Principle Document Section S.

Basis upon which the Proposer considers that it will better facilitate the achievement of the Relevant Objectives, specified in Standard Special Condition A11.1 and 2 of the Gas Transporters Licence

By adding clarity to the dispute resolution process, this modification would;

- Better facilitate the efficient operation and administration of the UNC
- Reduce levels of contractual risk between parties

Any further information (Optional), likely impact on systems, processes or procedures, Proposer's view on implementation timescales and suggested text

We request that this modification is referred to the Distribution Workstream for further development.

Code Concerned, sections and paragraphs

Uniform Network Code

Transportation Principal Document

Section(s) A

Proposer's Representative

Mitch Donnelly

Proposer

Chris Wright