



Julian Majdanski  
Modification Panel Secretary  
Network Code Development  
51 Homer Road  
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11 September 2009

Dear Julian,

**Modification Proposal 0199 –  
Clarification around the application of the UNC Dispute Resolution Process**

Thank you for giving ScottishPower (SP) the opportunity to respond to the above Modification. SP does not support Modification Proposal 0199. The terms of the Proposal appear relatively benign in seeking to provide clarification of an existing position. However, SP is not convinced that the Proposal is at all necessary.

The Draft Proposal states that: -

“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.”

It proposes to address this question by amending the definition of “dispute” which would now read as follows: -

““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(al) Document Section S.**” The amended text is italicised in bold.

However, SP does not believe that there is any such limitation within the Disputes process that could justifiably give rise to that question. The current definition is already wide enough to capture disputes beyond those related to a chargeable service, and SP believes the existing definition is clear and unambiguous.

The proposed additional text is couched in the negative and so does not extend or alter the scope of the UNC Disputes process. However the addition of such text by way of “clarification” may only introduce the risk of unnecessary confusion by leaving open the question of whether there may be limitations within the process. Additionally, this may set an unfortunate precedent by encouraging similar Modifications seeking unwarranted clarifications.

Should you have any queries on the above then please do not hesitate to contact me.

Yours sincerely

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