

CODE MODIFICATION PROPOSAL No 0238
Amendment to Protected Information Provisions to facilitate DNO compliance with
SPAA Schedule 23
Version 1.0

Date: 11/11/2008
Proposed Implementation Date: To be identified.
Urgency: Non Urgent

1 The Modification Proposal

a) Nature and Purpose of this Proposal

Distribution Network Operators (DNOs) are signatories to the Supply Point Administration Agreement (SPAA). SPAA supports the provision of information by the DNO to Suppliers.

Currently, DNOs, through their service provider, provide data to Shippers but not Suppliers or other persons. This arrangement arises because of a lack of clarity between the supplier centric nature of the relevant SPAA Schedule and the permissions laid down in the UNC and the terms of the DNO's Transporter licence.

In considering the application of SPAA Schedule 23 and hence granting access to Suppliers and other persons, the following considerations are relevant:

- The 'Protected Information' provisions contained within TPD Section V5 of the UNC place restrictions on Transporters ability to disclose Protected Information. However, there are a few circumstances where this is permitted, one of these being where DNOs are required to do so to under their licence.
- Section 105 of the Utilities Act 2000 does not apply in respect of the prohibition of disclosure of Protected Information where such disclosure is required to be made by a Transporter as a condition of its licence.
- Gas Transporter Licence Standard Special Condition (SSC) A31 requires the Transporter to disclose specified information to those recipients listed in SSC A31. Legitimate recipients include 'an appropriate person specified in UNC for balancing or change of supplier (COS) purpose'.

NGD is concerned that a Supplier or other person does not fall under the recipient category as contained within SSC A31 as currently the UNC does not specify such appropriate persons. Hence the protection afforded by the combination of UNC and SSC A31 is unclear.

NGD believes that the inclusion of specific terms in within the UNC would be helpful to deliver the intent of the SPAA Schedule 23.

Therefore for clarification purposes, it is proposed that an exception be added to the Protected Information provisions in Section V5.5 to facilitate the disclosure by DNOs of Protected Information for change of Supplier purposes to Suppliers and to other persons pursuant to applications made in accordance with the principles contained in the 'Other Users Access' provisions of SPAA Schedule 23.

b) Justification for Urgency and recommendation on the procedure and timetable to be followed (if applicable)

Urgent procedures are not sought for this Modification Proposal.

c) Recommendation on whether this Proposal should proceed to the review procedures, the Development Phase, the Consultation Phase or be referred to a Workstream for discussion.

A draft version of this Modification Proposal has been discussed by the September 2008 UNC Distribution Workstream. No further development is required and therefore it is proposed that the consultation phase is initiated.

2 Extent to which implementation of this Modification Proposal would better facilitate the achievement (for the purposes of each Transporter's Licence) of the Relevant Objectives

NGD believes that there is insufficient clarity in the legislative and contractual confidentiality requirements to enable DNOs to unambiguously release data as set out in SPAA Schedule 23. Introducing Suppliers and other persons as a class of person permitted under UNC to receive Protected Information as described above would provide absolute clarity regarding disclosure under SSC A31, would meet the requirements of Section 105 of the Utilities Act and fulfil the aspirations of Schedule 23 of SPAA to permit access to data for Suppliers and other persons. Implementation would therefore facilitate SSC A11.1(c): "so far as is consistent with sub-paragraphs (a) and (b), the efficient discharge of the licensee's obligations under this licence".

3 The implications of implementing this Modification Proposal on security of supply, operation of the Total System and industry fragmentation

No such implications have been identified.

4 The implications for Transporters and each Transporter of implementing this Modification Proposal, including:

a) The implications for operation of the System:

No such implications have been identified

b) The development and capital cost and operating cost implications:

Systems implementation costs are expected to be incurred by DNOs. Information on the extent of these has been sought by NGD from its service

provider.

- c) **Whether it is appropriate to recover all or any of the costs and, if so, a proposal for the most appropriate way for these costs to be recovered:**

No additional cost recovery is proposed.

- d) **The consequence (if any) on the level of contractual risk of each Transporter under the Uniform Network Code of the Individual Network Codes proposed to be modified by this Modification Proposal**

Minimises contractual risk by clarifying the circumstances under which DNOs may release Protected Information to Suppliers and other persons.

- 5 **The extent to which the implementation is required to enable each Transporter to facilitate compliance with a safety notice from the Health and Safety Executive pursuant to Standard Condition A11 (14) (Transporters Only)**

Implementation is not required to facilitate such compliance.

- 6 **The development implications and other implications for the UK Link System of the Transporter, related computer systems of each Transporter and related computer systems of Users**

Data service provision is provided via the Transporter's agent's Internet Access to Data (IAD) platform. It is necessary to partition IAD by Supplier to ensure the Supplier is only able to view data pertinent to itself/its customers. This would be essential to avoid a Supplier viewing the information of another Supplier which utilises the same Shipper.

NGD has sought the costs of enhancement which are not expected to be significant.

- 7 **The implications for Users of implementing the Modification Proposal, including:**

- a) **The administrative and operational implications (including impact upon manual processes and procedures)**

No such implications are identified.

- b) **The development and capital cost and operating cost implications**

No such implications are identified.

- c) **The consequence (if any) on the level of contractual risk of Users under the Uniform Network Code of the Individual Network Codes proposed to be modified by this Modification Proposal**

No such consequences are identified.

8 The implications of the implementation for other relevant persons (including, but without limitation, Users, Connected System Operators, Consumers, Terminal Operators, Storage Operators, Suppliers and producers and, to the extent not so otherwise addressed, any Non-Code Party)

Facilitates compliance by DNOs with SPAA Schedule 23 enabling the provision of change of supplier related data to Suppliers and other persons.

9 Consequences on the legislative and regulatory obligations and contractual relationships of the Transporters

Facilitates compliance by DNOs with GT Licence SSC A31 and meets the requirements of Section 105 of the Utilities Act 2000.

10 Analysis of any advantages or disadvantages of implementation of the Modification Proposal not otherwise identified in paragraphs 2 to 9 above

Advantages

- Aligns the UNC with Schedule 23 of the SPAA.

Disadvantages

No disadvantages have been identified.

11 Summary of representations received as a result of consultation by the Proposer (to the extent that the import of those representations are not reflected elsewhere in this Proposal)

Not applicable.

12 Detail of all other representations received and considered by the Proposer

Not applicable.

13 Any other matter the Proposer considers needs to be addressed

No other matters have been identified.

14 Recommendations on the time scale for the implementation of the whole or any part of this Modification Proposal

Implementation timescales for this Modification Proposal are contingent on the timing of relevant systems changes (see above).

15 Comments on Suggested Text

Not applicable.

16 Suggested Text

No suggested text is identified.

Code Concerned, sections and paragraphs

Uniform Network Code

Transportation Principal Document

Section(s) V5

Proposer's Representative

Chris Warner (National Grid Distribution)

Proposer

National Grid Distribution