

Stage 03: Draft Modification Report

0281: Introduction of an Implementation Timeframe for Modification Proposals

Clarifies the way in which proposed implementation dates of UNC Modification Proposals must be specified, avoiding the possibility that Modification Proposals may "Time Out".



The UNC Modification Panel has determined that this Proposal be issued for consultation.

Closing date: Friday 17 September 2010



Low Impact:
UNC Signatories and other interested parties

What stage is
this document
in the process?



0281
Draft Modification Report

23 August 2010

Version 1.0

Page 1 of 10

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Any questions?

Contact: Bob Fletcher

Joint Office of Gas Transporters



bob.fletcher@gasgovernance.co.uk



0121 623 2115

Proposer:
Nick Reeves



nick.reeves2@uk.ngrid.com



01926 653 248

Contents

1	Summary	3
2	Why Change?	4
3	Solution	5
4	Legal Text	7
5	Impacts & Costs	7
6	Implementation	7
7	The Case for Change	7
8	Recommendations	10

About this document:

This document is a Draft Modification Report, which was issued for consultation responses, at the request of the Panel on 19 August 2010. The close out date for responses is 17:00 on Friday 17 September 2010.

The Panel will consider the responses and agree a recommendation on whether or not this change should be made.

0281
Draft Modification Report

23 August 2010

Version 1.0

Page 2 of 10

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Why Change?

To support the recommendations within the recent Code Governance Review Final Proposals and the principles of the Code Administration Code of Practice regarding implementation dates and the issue of timing out of proposals.

Solution

It is proposed that a structure of 'fixed' and 'flexible' dates be applied to Modification Proposals where the proposer wishes to include a view of possible implementation timescales.

Impacts and Costs

- When fixed implementation dates are specified in Modification Proposals and Reports, these would need to be supplemented by a flexible implementation date.
- Modifications will not be able to time out
- Implementation and ongoing costs would be minor.

Implementation

Implementation on the day following a Panel Meeting is proposed.

The Case for Change

This change to the Uniform Network Code Modification Procedures would add clarity in respect of implementation dates and their justification. It is consistent with suggested Licence changes that Ofgem has consulted on with a view to addressing timing out.

Recommendations

The UNC Modification Panel concluded that the Proposal is sufficiently clear to proceed to consultation.



Gas Transporter Licence References

Where are the network code modification procedures referenced?

In paragraph 9 of Standard Special Condition A11.2 of the Gas Transporter Licences. (An identical condition applies to the NTS and all the DN licences)

Uniform Network Code Modification Rules

Where are the Uniform Network Code Modification Rules?

On the Joint Office of Gas Transporters website at:

www.gasgovernance.co.uk/general

Drawing Attention to Time Related Events

Currently, if a User raises a Modification Proposal that includes a 'suggested implementation date' this date is treated as an aspiration and generally remains unchanged throughout the development of the Modification Proposal.

If the benefits of a proposal will be affected by the date of an Authority decision or by the date of implementation, but such effects are not accurately captured and defined within the proposal, then the Authority will be unaware that the timing of a decision may have a bearing on the level of benefits provided to the industry. If the current process could be amended to accommodate some flexibility for Modification Proposals to include, where appropriate, a structured range of implementation dates and sufficient accompanying justification for these dates, then this may improve the visibility and reliability of any time dependent benefits or constraints of a Modification Proposal to all UNC parties.

Whilst this Modification Proposal will, if implemented, benefit all Modification Proposals, the proposer believes that User Pays proposals will be specifically benefited by the format for proposers of User Pays Proposals to clearly explain the costs and benefits of a range of implementation options.

Alignment of Industry Codes

Suggested implementation dates within the electricity codes are treated somewhat differently to the UNC. Within the Balancing and Settlement Code (BSC) and Connections and Use of System Code (CUSC), once a proposal is submitted to the respective panel for consideration, responsibility for the proposal, including assessing one or more relevant implementation dates, passes from the proposer to the panel. Within their recommendation to the Authority the panel will set a minimum of one pair of dates consisting of a 'decide by date' for an Authority decision and an associated 'implementation date'.

Adopting a date structure similar to that of the BSC and CUSC may provide a means of clearly setting out implementation options, which all parties will recognise.

Supporting the Recommendations of Recent Governance Review

Principle 11 of the Code Administration Code of Practice suggests a number of fundamental characteristics that implementation dates should include across all industry codes. In summary these characteristics are that implementation should be as timely as possible to capture the maximum benefits, for implementation approaches to form part of the Consultation Phase of a Modification, and finally that any options for implementation will be provided wherever possible.

The development and assessment of proposals via a workgroup, as recommended within the Ofgem Governance Review Final Proposals, will offer the opportunity for interested parties to provide suggested timescales and / or analysis and opinion on alternative timescales..

Adopting a format as recommended by this proposal should aid any such development and assessment performed by a workgroup.



BSC Modification Proposal P250 – Prevention of 'Timing Out' of Authority Decisions on Modification Proposals

Details can be found on the Elexon website at the following location:
www.elexon.o.ok/changeimplementation/ModificationProcess/modificationdocumentation/default.aspx

To address the concerns raised in the previous section, it is proposed that the UNC Modification Rules be amended to add the requirement that where a proposer wishes to include a view on implementation timescales (in accordance with 6.2.1 (j)) then the proposer shall include the following:

- At least two 'fixed' proposed implementation dates and associated Authority decision by dates
- A proposed backstop implementation lead time period i.e. 5 Months following the publishing of an Authority decision
- Justification for the above dates and lead time period, and
- A 'Blank' date if an implementation date is not critical and / or not practical to provide.

Further details of these points can be found below.

Proposed Fixed Implementation Date

This Modification Proposal proposes to introduce a similar date structure as used within the proposals of both the CUSC and BSC. It is therefore proposed that a proposer will provide a minimum of two suggested implementation dates, and the associated Authority decision by dates. An example of how such information could be provided is as follows:

- Implementation date of AA, based on an Authority decision published on or before date BB; or
- Implementation date of CC, based on an Authority decision published after date BB, but on or before date DD.

If an Authority decision is not published by the first decision date (BB), then the Authority is provided with a further period of time to make its decision.

In suggesting the decision dates (BB & DD) it is recommended that Users should use a sensible degree of judgement, taking into consideration factors such as the Authority's prevailing key performance indicators and the Modification Proposal timescales as documented within the UNC Modification Rules.

Proposed Backstop Implementation Lead Time

As described above if a User has chosen to include a proposed 'fixed' implementation date it is proposed that they must also include a proposed backstop implementation lead time. This proposed backstop implementation lead time will provide the time period necessary between an Authority decision date and implementation for occasions when the Authority decision is published outside of the dates explained within the above section. An example of how a proposed backstop implementation date could be provided is as follows:

- X Business Days after an Authority decision; or
- X Calendar Months after an Authority decision.

Justification for Proposed Implementation Dates and Lead Times

It is proposed that whenever suggested dates or lead times are included within a Modification Proposal, in line with the proposed formats above, the proposer shall also set out the reasons for proposing such date or lead time.

No Suggested Implementation Date

In keeping with Section 6.2.1 (j) of the UNC Modification Rules, Users who raise a Modification Proposal will continue to have the ability not to provide their views of possible implementation timescales if there are circumstances where it is not critical or practical to do so.

If a suggested implementation date is left blank and, if the Authority decision is to accept the Modification Proposal, then the relevant Gas Transporters will assess the most efficient implementation timescales.

Example (Note the following is for illustration only)

To illustrate the above proposal using an example; a User submits a Modification Proposal and, after consultation with the Transporters, obtains a Rough Order of Magnitude (ROM) for the proposed change. As part of this ROM it is suggested that implementation of the Modification may be most efficiently implemented during one of the three UK Link* release dates so long as a lead time of at least 1 month is allowed for. Alternatively if implementation during a UK Link release is not possible (i.e. the timing of the Authority decision does not provide the necessary lead time to implement within a UK Link release) then implementation can take place approximately 6 calendar months after the Authority decision is published. As a result, the suggested implementation dates and lead time may look similar to the following:

1. Decide by Date of 26/01/2010 for proposed fixed implementation of 26/02/2010
2. Decide by Date of 25/05/2010 for proposed fixed implementation of 25/06/2010
3. Decide by Date of 5/10/2010 for proposed fixed implementation of 5/11/2010

and, if the Authority decision is published after the above dates then the following proposed implementation lead time would apply:

4. The proposed implementation lead time is six (6) calendar months after an Authority Decision being published.

In addition the proposer will also be expected to provide justification for the proposed dates and lead time.

In making a determination under 7.2.3 of the Modification Rules it is proposed that the Modification Panel consider whether the proposed fixed implementation date and backstop lead time are sufficiently developed.

It is important to note that as per the current process, this proposal will not bind any party to perform any action, including an Authority decision, in preparation or response to a proposed implementation date or associated timescales.

For the avoidance of doubt, this Modification Proposal applies to all Modification Proposals.

4 Legal Text

Not provided

5 Implementation

Subject to the Chairman's Guidelines that require a minimum of five Business Days' notice of Panel business, once the Authority had approved this Proposal, the next Panel Meeting could agree to approve the changes in the templates. This would permit implementation immediately following the meeting.

The Panel may wish to address how the process and templates should apply to Modification Proposals in flight if the proposal remains unclear on this point or if discretion is given to the Panel.

6 The Case for Change

This section allows for further development of the case than is included in the earlier summaries

Facilitation of the Achievement of the Relevant Objectives

0281 will better facilitate the achievement of **Relevant Objectives c and f**.

Proposer's view of the benefits of 0281 against the Code Relevant Objectives	
Description of Relevant Objective	Identified impact
a) Efficient and economic operation of the pipe-line system.	None
b) Coordinated, efficient and economic operation of (i) the combined pipe-line system, and/ or (ii) the pipe-line system of one or more other relevant gas transporters.	None
c) Efficient discharge of the licensee's obligations.	See explanation below
d) Securing of effective competition: (i) between relevant shippers; (ii) between relevant suppliers; and/or (iii) between DN operators (who have entered into transportation arrangements with other relevant gas transporters) and relevant shippers.	
e) Provision of reasonable economic incentives for relevant suppliers to secure that the domestic customer supply security standards... are satisfied as respects the availability of gas to their domestic customers.	
f) Promotion of efficiency in the implementation and administration of the Code	See explanation below



Where can I find details of the UNC Standards of Service?

In the Revised FMR for Transco's Network Code Modification **0565 Transco Proposal for Revision of Network Code Standards of Service** at the following location:
<http://www.gasgovernance.co.uk/networkcodearchive/551-575>

0281
Draft Modification Report

23 August 2010

Version 1.0

Page 7 of 10

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The Applicable Section of the Transporter Licences

Standard Special Condition A11.2 of National Grid NTS' Licence states;

"In relation to a proposed modification of the network code modification procedures, a reference to the relevant objectives is a reference to the requirements in paragraphs 9 and 12 of this condition (to the extent that those requirements do not conflict with the objectives set out in paragraph 1)."

To assist in the understanding of this section, paragraph 9 of Standard Special Condition A11.2 of National Grid NTS' Licence is provided below. Underneath this extract is an explanation of how the proposer believes that this Modification Proposal benefits this paragraph.

Paragraph 9 of Standard Special Condition A11.2

"9. The network code modification procedures shall provide for:

- (a) a mechanism by which any of
 - (i) the uniform network code; and*
 - (ii) each of the network codes prepared by or on behalf of each relevant gas transporter, may be modified;**
- (b) (i) the making of proposals for the modification of the uniform network code in accordance with paragraph 10 (a) of this condition; and/or*
 - (ii) the making of proposals for the modification of a network code prepared by or on behalf of a relevant gas transporter in accordance with paragraph 11(a) of this condition;*
- (c) the making of alternative modification proposals in accordance with paragraphs 10(b) and 11(b) of this condition, except in a case where the Authority otherwise directs in writing;*
- (d) the giving of adequate publicity to any such proposal including, in particular, drawing it to the attention of all relevant gas transporters and all relevant shippers and sending a copy of the proposal to any person who asks for one;*
- (e) the seeking of the views of the Authority on any matter connected with any such proposal;*
- (f) the consideration of any representations relating to such a proposal made (and not withdrawn) by the licensee, any other relevant gas transporter, any relevant shipper, or any gas shipper or other person likely to be materially affected were the proposal to be implemented; and*
- (g) where the Authority accepts that the uniform network code or a network code prepared by or on behalf of a relevant gas transporter may require modification as a matter of urgency, the exclusion, acceleration or other variation, subject to the Authority's approval, of any particular procedural steps which would otherwise be applicable."*

How this Modification Proposal would better facilitate paragraph 9 of A11.2

This proposal benefits the above paragraph in so far that;

- In respect of sub-paragraphs (a), (b), (c), (d) and (e) above, this proposal improves the mechanism by which Modification Proposals, and any alternative or variation, are raised by ensuring clarity with regards to any suggested implementation dates and accompanying justification. This improved mechanism will aid both the understanding of the proposed changes and the subsequent Authority decision;
- In respect of sub-paragraph (f) above, this proposal will provide greater clarification of a suggested implementation timescale to all interested parties. As

such, interested parties will be able to include in their representations views on the effect on them of any suggested implementation date.

In addition to those advantages/disadvantages identified the above, the Proposer identified the following:

Advantages

- Implementation will encourage Code Parties to consider implementation options.
- Implementation may reduce the financial risk to Users of a delay in implementing a Modification Proposal.

Disadvantages

- Restricts the format in which Users can state preferred implementation dates.

7 Recommendations

The Panel invites respondents to:

- SUBMIT a recommendation that Proposed Modification 0281 should/should not be made.
- SUBMIT comments in support or opposition to the statements made in this Draft Modification Report and any further comments in support or opposition to implementation.

All representations should be forwarded to the Code Administrator by Friday 17 September 2010 at: enquiries@gasgovernance.co.uk