

CODE MODIFICATION PROPOSAL No 0296xxxx

< Facilitating a Supply Point Enquiry Service for Non-Domestic Supply Points>

Version 3.01.0

Date:

~~22/09/2010~~~~22/09/2010~~~~23/06/2010~~

Proposed Implementation Date:

As soon as possible following Ofgem decision.

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)

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

In January 2010, Ofgem rejected UNC Modification Proposal 0253, "*Facilitating a Supply Point Enquiry Service for Large Supply Points*" citing concerns that the proposal may lead to domestic data being included on any report, and thus presenting potential issues with the Data Protection Act. They also referenced the lack of costs provided for the proposed report, and commented that they believed it was therefore difficult to confirm the proposal met the relevant objectives. Finally, Ofgem commented on the current ambiguity within the UNC about the definition of "contemplated" within section G 1.17.

British Gas have raised this proposal in order to address those concerns whilst still amending the UNC in order to permit access to a Supply Point Enquiry service for all *non-domestic* supply points. In addition, and although British Gas interprets section G 1.17 to mean that we should gain the customer's permission before submitting a Supply Point Enquiry, we also seek to address Ofgem's concern about the potentially ambiguous drafting here.

Presently, the UNC (G1.17) only permits a Supply Point Enquiry where an Enquiring User is "*contemplating submitting a Supply Point Nomination*". This means that, for a User to provide a quotation to a customer, the User must first submit the Supply Point Enquiry to the Transporters Agent and then receive the Supply Point Enquiry data.

The problem is that the process of submitting a Supply Point Enquiry and receipt and secondary processing of this data into a quotation adds time and cost to each User.

If the UNC permitted the provision of Supply Point Enquiry data for all non-domestic supply points, and this data was available to Users ~~to purchase from xoserve as a report~~ as and when they needed it, then Users

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would be able to improve their internal quotation processes and possible remove costs from the wider business.

Users may then choose contract with xoserve directly for the provision of this report on a commercial basis.

The Proposal

~~This proposal will amend the UNC such that the ambiguity around when Users may submit a Supply Point Enquiry is removed. Specifically we believe that the word “contemplating” in this context should follow a legal definition, which in this context means that the Supply Point Enquiry is “triggered where there is a change of activities which compels a Party to consider carefully and at length a course of action”¹. In relation to the UNC, we believe that this should be interpreted that the Shipper must have had dialogue (spoken, written or otherwise) with the customer and have used that dialogue to gain their permission to access the data. For the avoidance of doubt, this part of the proposal would apply to all Supply Point Enquiries regardless of whether they were for domestic or non-domestic sites.~~

This proposal would also amend the UNC to enable ~~†~~Transporters to release the same data as is available to Users following a Supply Point Enquiry ~~all necessary data to produce a report via an online portal to requesting Users, in such a manner so that data access is protected in the same way to Users containing the same data as available to Users following a Supply Point Enquiry.~~ In accessing or requesting using the report data, Shippers would be warranting that they have the customer’s permission to access this data. For clarity, †this part of the proposal applies to non-domestic customers only.

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User Pays

a) Classification of the Proposal as User Pays or not and justification for classification

~~This proposal is not User Pays as it will not by itself lead to any new costs, but simply enable future services to be created. will create a new non-code User Pays service. The Transporter’s Agent will recover the full costs of creating the report through the fees they charge for the provision of the same.~~

b) Identification of Users, proposed split of the recovery between Gas Transporters and Users for User Pays costs and justification

~~100% costs attributed to shippers purchasing the report.~~

¹ Akavan Erityisalojen Keskuslitto AEK ry and others v Fujitsu Siemens Computers Oy C-44/08

- c) **Proposed charge(s) for application of Users Pays charges to Shippers**
- d) **Proposed charge for inclusion in ACS – to be completed upon receipt of cost estimate from xoserve**

3 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

(d) so far as is consistent with sub-paragraphs (a) to (c) the securing of effective competition between relevant shippers and between relevant suppliers;

The implementation of this proposal would enable Users to procure a report from xoserve which could improve their internal processes and provide quicker responses to customer quotations. This would not only improve the customer experience through the acquisitions process but also and secure effective competition between relevant shippers and suppliers by improving the quality of information available for them to provide quotations on.

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

5 Code Concerned, sections and paragraphs

- a) Uniform Network Code
- b) Transportation Principal Document

Section(s) G, V

Proposer's Representative

David Watson (British Gas)

Proposer

David Watson (British Gas)