

0479S:

Inclusion of email as a valid UNC communication

- 01 Modification
- 02 Workgroup Report
- 03 Draft Modification Report
- 04 Final Modification Report

This modification would allow email as a valid form of UNC communication in specific circumstances.



Panel determined to implement this modification




High Impact:



Medium Impact:



Low Impact:
DNOs, Users

Contents		 Any questions?
1 Summary	3	Contact: Code Administrator
2 Why Change?	4	 enquiries@gasgovernance.co.uk
3 Solution	5	 0121 288 2107
4 Relevant Objectives	7	Proposer: Alex Ross-Shaw
5 Implementation	7	 aross@northerngas.co.uk
6 Impacts	8	 0113 397 5326
7 Legal Text	8	Transporter: Northern Gas Networks
8 Consultation Responses	13	 aross@northerngas.co.uk
9 Panel Discussions	18	 0113 397 5326
10 Recommendation	18	Systems Provider: Xoserve
About this document:		 commercial.enquiries@xoserve.com
This Final Modification Report was presented to the Panel on 19 February 2015. The Panel determined to implement this self-governance modification.		Additional contacts: Joanna Ferguson
The Workgroup recommended the following timetable:		 jferguson@northerngas.co.uk
Initial consideration by Workgroup	12 March 2014	 0113 397 5323
Amended Modification considered by Workgroup	05 November 2014	
Workgroup Report presented to Panel (extension requested)	18 December 2014	
Workgroup Report re-presented for Panel	06 January 2015	
Draft Modification Report issued for consultation	15 January 2015	
Consultation Close-out for representations	05 February 2015	
Final Modification Report published for Panel	10 February 2015	
UNC Modification Panel decision	19 February 2015	

1 Summary

Is this a Self-Governance Modification?

The Modification Panel determined that the criteria for Self-Governance are met as this modification is not expected to have a material impact on competition, consumers, the operation of gas networks or the Modification Rules.

Why Change?

At the time of the implementation of the original Network Code in 1995, fax was a more common form of business communication while email was in its infancy. Since then email has superseded fax as a more efficient and common form of business communication but remains disallowed as an official form of UNC communication in most circumstances, despite all relevant parties using it across other aspects of their business.

A number of Modification Proposals both in the Gas and Electricity markets have allowed limited use of email communications in specific circumstances, specifically UNC Modification Proposal 033, 'Notification to Users of Emergency Incidents – Impacts on Code Communications' and Balancing and Settlement Code Modification Proposals P113, 'Email Communication under the Code' and P159, 'Extending the Scope of E-mail Communications under the Code'.

Since these proposals there has been little expansion of the use of email as an allowable code communication in the Gas Industry despite its widespread use in daily communication both with internal and external parties.

Given the prevalence of email communication today there is no reason why such communications should not be allowed via email in suitable circumstances.

Solution

This modification proposes to amend the UNC to allow e-mail as a valid communication notice alongside post and facsimile.

Additional minor changes to the UNC regarding contact details have been identified and amended to include e-mail. These have been included in the legal text. Changes to UK Link and Contingency arrangements are not within the scope of this proposal.

Relevant Objectives

Implementation of this Modification Proposal would impact Special Condition A11.1 (f), the promotion of efficiency in the implementation and administration of the Code as it aims to implement existing best practise regarding the inclusion of email as a communication format across the industry.

Implementation

As self-governance procedures are proposed, implementation could be 16 business days after a Modification Panel decision to implement.

Does this modification impact a Significant Code Review (SCR) or other significant industry change projects, if so, how?

Implementation of this modification would not impact delivery of Project Nexus systems.

2 Why Change?

Email has superseded fax as a more efficient and common form of business communication but remains disallowed as an official form of UNC communication, despite all relevant parties using it across other aspects of their business.

There can also be issues concerning the reliability of faxes and a follow up phone call to confirm receipt is often required. Emails avoid this scenario with reliable notification systems and a 'bounce back' system if the email fails to send correctly. Emails are also quicker to receive, create and send. Cost effective storage systems exist to efficiently archive emails for quick recovery, which many businesses have in place already, while faxes have to be stored manually at extra cost both in terms of storage space and the time taken to manually recover any necessary documents.

UNC Modification Proposal 033, 'Notification to Users of Emergency Incidents – Impacts on Code Communications', extended allowable forms of communication to include internet and email to aid Transporters in complying with the provisions detailed within the Shipper Incident Communication Procedure (SICP) and was implemented in 2005.

Arguments in favour of allowing internet and email communication included 'improved operational efficiencies', 'real-time updates to Users' and 'improved quality of information'. These arguments could apply to other scenarios where email communication may be of benefit.

Ofgem's decision letter stated their support for 'the use of internet and email facilities where they bring efficient gains'. They also stated their expectation that appropriate levels of security would be put in place regarding internet and email security and we would expect this to also apply wherever email communications were allowed as a result of this proposal being implemented.

In the Electricity Market, Modification Proposal P113, 'Email Communication under the Code'¹ allowed general communication given by the Balancing and Settlement Code Committee (BSCCo) to all parties simultaneously to be sent by email.

Ofgem's decision letter stated that where it is used for general notices, email had 'demonstrated itself to be as reliable as postal or facsimile distribution methods, while delivering significant gains in administrative efficiency' and the proposal was implemented in 2003.

In 2004 a further e-mail Modification Proposal was raised, P159, 'Extending the Scope of E-mail Communications under the Code'². This extended the use of email to all code communications except where explicitly stated and introduced further deeming rules on the sending and receiving of emails.

Ofgem's decision letter supported the use of deemed receipt, referring to the existing deemed receipt rules for communication sent by first class post. It also stated that implementation of the proposal would permit 'the use of an efficient and cost-effective method of communication'.

Over the past couple of years a number of situations have arisen where the use of email as an allowable code communication may have resulted in better processes.

At the 6 October 2011 Transmission Workgroup, Force Majeure and payment of Exit Charges was discussed as a Workgroup Issue. The use of fax as a code communication was questioned due to its reliability and the potential use of email was raised as an alternative.

Several sections of the UNC have been identified that could be improved by the inclusion of email as an allowable form of communication, specifically UNC TPD S3.4.5 and V3.4.7.

¹ <http://www.elexon.co.uk/mod-proposal/p113-email-communications-under-the-code/>

² <http://www.elexon.co.uk/mod-proposal/p159-extending-the-scope-of-e-mail-communications-under-the-code/>

3 Solution

The modification proposes to amend General Terms B of the UNC to allow e-mail as a valid communication notice alongside post and facsimile. This includes amending 5.1.1 (c) to allow e-mail to be defined in paragraph 5.2, a 'deeming' rule to determine when an e-mail is deemed received and the mirroring of UNC General Terms B5.2.6 (a), which refers to notices sent by facsimile being re-sent upon request by the recipient Party, for e-mail.

We have also included a stipulation in UNC TPD U1.2 that the UK Link Committee must notify the UNC Committee when an entry to the UK Link Manual is inserted or the allowed communication method is amended.

As a consequence the Terms of Reference for the UK Link Committee (UKLC) will require updating and we have included a proposed amended version in the Appendix for reference. This will be sent to the UNC Committee for discussion if this Modification Proposal is implemented.

Additional minor changes to the UNC regarding contact details have been identified and amended to include e-mail, including the addition of an e-mail address as part of the requested contact details in UNC TPD S3.4, V2.1 and V3.4. These have been included in the legal text.

Included in the Appendix for discussion and context are proposed changes to the allowed communications of entries in the UK Link Manual Appendix 5B to take to the UKLC for discussion and implementation.

For clarification, changes to communications made by UK Link and for Contingency arrangements are not within the scope of this proposal. Changes to the UK Link Manual are made by the UKLC are not within the scope of this Modification Proposal and the proposed changes in the Appendix are included for clarity and to aid discussion.

For information, the UNC defines a 'Conventional' notice as the communications defined under UNC General Terms B5.2. The legal text outlines changes to this section to include e-mail as a valid code communication. To avoid a situation whereby upon implementation all notices listed in the UK Link Manual as 'Conventional' allow e-mail, the UK Link Committee will prepare the UK Link Manual for implementation of this proposal.

In the UK Link Manual, wherever the 'Means' column in Appendix 5b of the UK Link manual states 'C' for Conventional notice, the 'Form' column should list the specific type of Conventional notice to be allowed. This allows the UKLC greater granularity in determining appropriate communications for notices, even within the Conventional definition. For instance, you could have a Conventional notice that the 'Form' column allows as Delivery/Post or a Conventional notice that the 'Form' column allows as Post/Fax. Once this is done and this Modification Proposal is implemented, it will allow the UKLC to add 'E' for e-mail to the 'Form' column of any notice they consider suitable for e-mail.

As an example, V2.1.2 (a), 'Submit application to become a User', is currently listed as a 'Conventional' notice in the 'Means' column in the UK Link manual (cf Appendix 2). If the Modification is approved, the UKLC should update the 'Form' column to specify what type of conventional notice is allowed, e.g. 'D/P/F' for Delivery/Post/Fax. When the Modification Proposal is implemented the UK Link Committee can then meet and include 'E' for e-mail if they believe that it would be an appropriate communication for e-mail.

This approach will allow the UK Link Committee to judge each notice on its merits when deciding whether e-mail should be an allowable communication for that notice and provide for further discussion in that committee.

For information, we will also propose the UK Link Committee considers publishing Appendix 5b separate from the rest of the UK Link Manual to make it easier to maintain and update.

User Pays	
Classification of the modification as User Pays, or not, and the justification for such classification.	There are no anticipated costs to the implementation or operation of this proposal. No User Pays service would be created or amended by implementation of this modification and it is not, therefore, classified as a User Pays Modification.
Identification of Users of the service, the proposed split of the recovery between Gas Transporters and Users for User Pays costs and the justification for such view.	N/A
Proposed charge(s) for application of User Pays charges to Shippers.	N/A
Proposed charge for inclusion in the Agency Charging Statement (ACS) – to be completed upon receipt of a cost estimate from Xoserve.	N/A

4 Relevant Objectives

Impact of the modification on the Relevant Objectives:	
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.	None
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.	None
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.	None
f) Promotion of efficiency in the implementation and administration of the Code.	Impacted
g) Compliance with the Regulation and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators.	None

Some parties consider implementation of Modification 0479S would further Special Condition A11.1 (f), the promotion of efficiency in the implementation and administration of the Code as it implements/codifies existing practise regarding the use of email across the industry.

Where formal communication grants rights or imposes obligations on parties, it is important that the network code reflects the necessary safeguards needed to ensure that there are appropriate governance procedures for the use of email in such circumstances. Some parties consider the proposals in this modification are not robust enough for this purpose and in the view of one party, the legal text GTB 5.2 allows email for all code communications other than those for UK Link and Offtake Communications, which is too wide ranging, therefore having a negative impact on f) Promotion of efficiency in the implementation and administration of the Code.

5 Implementation

There are no anticipated costs to the implementation of this Modification Proposal.

As self-governance procedures are proposed for implementation could be 16 business days after a Modification Panel decision to implement.

6 Impacts

Does this modification impact a Significant Code Review (SCR) or other significant industry change projects, if so, how?

No material impacts.

Project Nexus Implementation

Project Nexus systems are being built with requirements to allow the use of email for certain Code communications and would not be impacted by the implementation of this modification.

7 Legal Text

Text Commentary

UNC General Terms Section B – General 5.1 (c) – We amended this section to allow for email to be referenced elsewhere in the section. The existing entry states specific communication methods. We changed it to a more generic entry to allow for easier updates in the future and reduce the potential unwieldiness of a paragraph that would list all types of common communication.

UNC General Terms Section B – General 5.2 – Changes to 5.2 centre on including references to the inclusion of email and email addresses where appropriate, to ensure it can be used alongside post, hand delivery and fax as a method of communication.

UNC General Terms Section B – General 5.2 (d) introduces the core deeming rule for email communication, mirroring that already in existence in the electricity balancing and settlement code. This was introduced years ago and we believe it is appropriate for the gas industry to mirror the electricity industry where appropriate and it has proved to be efficient and reliable.

5.2.8 concerns receipt of email outside of business hours and again mirrors the electricity balancing and settlement code allowing for gas industry 'Gas Day' business hours.

5.2.9 mirrors the rule for fax outlined in 5.2.6 (a) and intends to provide additional assurances to Users.

UNC S 3.4 has a section where it names code communication methods and we have amended this to include email. This obligation is also outlined in the UK Link Manual.

UNC U 1.2 includes email as a communication listed in the UK Link Manual. We included an additional obligation in 1.2.7 to instruct the UK Link Committee to report to the UNC Committee whenever a code communication is introduced or amended within the UK Link Manual. This will ensure greater transparency and oversight in the process.

UNC V2.1 and 3.4.7 includes email alongside post, telephone and fax details for Applicant Users.

Text 0479S

The following Text has been prepared by Northern Gas Networks at the request of the Modification Panel.

GENERAL TERMS

SECTION B – GENERAL

5 NOTICES AND COMMUNICATIONS

5.1 General

5.1.1 The Code contemplates that Code Communications and Offtake Communications (collectively "Communications") may be given by the following means:

- (a) (in the case of Code Communications) by UK Link Communication, in accordance with TPD Section U;
- (b) (in the case of Offtake Communications) by the relevant means specified in the Offtake Communications Document;
- (c) ~~by delivery or by post or facsimile or (in certain cases) by telephone in accordance with in the circumstances and manner prescribed in paragraphs 5.2 and 5.3;~~
- (d) for the purposes of TPD Section V5.14.3 only, by such methods as set out in the Shipper Incident Communication Procedure; or
- (e) for the purposes of TPD Section G5.1.12 only, by such methods as set out therein.

5.2 Notices by delivery, post, e-mail or facsimile

- 5.2.1 References in this paragraph 5.2 to "a notice" are to any Communication or other notice or communication to be given by one Party to another under the Code, a Framework Agreement or an Ancillary Agreement or a Supplemental Agreement, other than one which is given as a UK Link Communication or by telephone or (as the case may be) by other means provided for in the Offtake Communications Document.
- 5.2.2 Any notice shall be in writing and shall be addressed to the recipient Party at the recipient Party's address, ~~or~~ facsimile number or e-mail address referred to in paragraph 5.2.3, and marked for the attention of the representative (identified by name or title) referred to in that paragraph, or to such other address, facsimile number or e-mail address and/or marked for the attention of such other representative as the recipient Party may from time to time specify by notice given in accordance with this paragraph 5.2 to the Party giving the notice.
- 5.2.3 The initial address, ~~or~~ facsimile number, or e-mail address of a Party and representative for whose attention notices are to be marked, shall be as specified by a User pursuant to TPD Section V2.1.2(a)(iii) or by the Transporter pursuant to TPD Section V2.2.2(a)(i).
- 5.2.4 Any notice given by delivery shall be given by letter delivered by hand, and any notice given by post shall be sent by first class prepaid post (airmail if overseas).
- 5.2.5 Any notice shall be deemed to have been received:
 - (a) in the case of delivery by hand, when delivered; or
 - (b) in the case of first class prepaid post, on the second Day following the Day of posting (or, if sent airmail overseas or from overseas, on the fifth Day following the Day of posting); or
 - (c) in the case of facsimile, on acknowledgement by the recipient Party's facsimile receiving equipment; or
 - (d) in the case of e-mail, subject to 5.2.8, shall be deemed to have been received one hour after being sent in the absence of any undeliverable return receipt received by the sender during that period.

5.2.6 Where a notice is sent by facsimile:

- (a) the Party giving the notice shall (but without prejudice to paragraph 5.2.5(c)) if requested by the recipient Party, resend as soon as reasonably practicable the notice by facsimile; and
- (b) in the case of a Termination Notice, the Transporter will in any event, within 2 Days following the sending of such facsimile, send to the recipient Party a copy of the notice by first class prepaid post (airmail if overseas).

5.2.7 A Party may specify different addresses or facsimile numbers and representatives pursuant to paragraph 5.2.2 for the purposes of notices of different kinds or relating to different matters.

5.2.8 If the time at which any notice or communication sent by e-mail is deemed to have been received falls after 1700 hours on a day, the notice or communication shall be deemed to have been received at the start of the next Business Day.

5.2.9 Where a notice is sent by e-mail, the Party giving the notice shall (but without prejudice to paragraph 5.2.5(d)) if requested by the recipient Party, resend as soon as reasonably practicable the notice by e-mail.

TRANSPORTATION PRINCIPAL DOCUMENT

SECTION S – INVOICING AND PAYMENT

3.4 Invoice and Payment

3.4.5 Where the Invoice Document number is not quoted (in accordance with paragraph 3.4.4) with any remittance made by or on behalf of a User, and no Invoice Remittance Advice corresponding to the remittance is submitted, the Transporter will endeavour to obtain the User's instructions (by telephone ~~or~~ , facsimile or e-mail) as to the application thereof; but if it has not (by the Business Day following the Day of the remittance) obtained such instructions, the Transporter will apply the amount remitted to or towards Invoice Amount(s) in order of Invoice Due Date (the earliest first) and proportionately as between Invoice Amounts with the same Invoice Due Date, but applying such amount last to any Invoice Amounts which are subject to an Invoice Query.

SECTION U – UK LINK

1.2 Code Communications

- 1.2.1 A UK Link Communication given in accordance with this Section U shall be treated as an effective and valid Code Communication, and the Transporter and each User confirms that it intends and agrees that UK Link Communications shall have legal effect for the purposes of the Code.
- 1.2.2 The UK Link Manual specifies in respect of each Code Communication therein listed whether it is to be given as a UK Link Communication, by Conventional Notice, by e-mail, by facsimile or by telephone, and in some cases alternative such means by which it may be given; and (subject to paragraph 1.2.4 and GT Section B5.1.2) a Code Communication may only be given by the means so

specified or (where alternative such means are specified) by one of such alternative means.

- 1.2.3 Where the Code or the UK Link Manual specifies the form and/or format of UK Link Communication by which a particular Code Communication is required to be given, that Code Communication may be given only in that form and/or that format.
- 1.2.4 In the event of certain failures (referred to in paragraph 6) of UK Link, Code Communications shall be (and are permitted to be) given in accordance with paragraph 6.
- 1.2.5 Where a Code Communication which is required to be given as a UK Link Communication (and is not permitted to be given by another means except pursuant to paragraph 1.2.4) is not given in accordance with the requirements of this Section U and the UK Link Manual, and as a result is not properly received by the intended recipient, it shall be deemed not to have been given and shall be of no effect.
- 1.2.6 The failure of a UK Link User or the Transporter to comply with a requirement that a Code Communication be given as a UK Link Communication, or as to the form or format in which such UK Link Communication is to be given, shall not of itself be a breach of the Code (but without prejudice to paragraph 1.2.5 or to any breach which may result from the failure to give the Code Communication).
- 1.2.7 Where the UK Link Committee considers and revises from time to time the means by which a Code Communication may be given as set out in the UK Link Manual it shall notify the UNC Committee within a reasonable period of those changes.

SECTION V – GENERAL

2.1 Admission Requirements

2.1.2 The requirements referred to in paragraph 2.1.1(a) are as follows:

- (a) the Applicant User shall have applied to the Transporter, in such form as the Transporters may from time to time prescribe, giving the following details:
- (i) the name of the Applicant User;
 - (ii) the legal nature of the Applicant User, and where the Applicant User is not a company incorporated under the Companies Act 1985 (as amended), such further information concerning the constitution of the Applicant User as the Transporter may reasonably require;
 - (iii) the postal and e-mail address and telephone and facsimile numbers of the Applicant User, and the individual for whose attention notice is to be marked, for the purposes of notice under GT Section B5.2.3 and B5.3.1;
 - (iv) where the Applicant User is not a company incorporated under the Companies Act 1985 (as amended), an address for service in accordance with paragraph GT Section B6.6.3;

3.4 Surety or Security under Code

3.4.7 Each User shall provide to the Transporter:

- (a) a single telephone number, a single address, a single e-mail address and a single facsimile number by means of which the Transporter may contact a representative of the User for any purpose pursuant to Transportation Charges in connection with Section V3 and/or V4; and
- (b) the name(s) or title(s) of the User's representatives who may be contacted at such numbers and address; and
- (c) such User shall inform the Transporter where there are any amendments to the details provided pursuant to this section V3.4.7.

8 Consultation Responses

Of the 9 representations received 5 supported implementation, 2 offered qualified support, 1 provided comments and 1 were not in support.

Representations were received from the following parties:

Organisation	Response	Relevant Objectives	Key Points
British Gas Trading	Qualified Support	f) - positive	<ul style="list-style-type: none"> • Supports introduction of email as a valid UNC communication on the grounds that it will codify industry email communications that are already in use. • Aligns the gas and electricity industry's utilisation of email communications. • Agree that self-governance status applies. • Whilst no implementation costs identified, it is believed that where a high value email communication is incorrectly handled, a financial impact to Shippers could result. • Whilst no specific lead-time is identified, would expect specific email usage to be approved by UK Link Committee (inc. possible individual lead times).
EDF Energy	Comments	No comment	<ul style="list-style-type: none"> • Supports the principal of using email as a valid Code communication, and recognise it could be utilised for more general, non-User specific reports and processes. • Concerns remain about secure transmission of data via email, especially communications that are specific to a User and/or a site. • Modification does not place an appropriate obligation on Transporters or Xoserve to ensure safeguards are in place to prevent User's data or information from being issued in error.
E.ON UK	Oppose	f) - negative	<ul style="list-style-type: none"> • Supports the principle of expanding the use of email for code communications, as it is important to take advantage of improvements in technology. • Believes the business rules within the modification are inadequate to substitute the conventions on the certainty of communications by letter or facsimile. • Points out that the proposer references and intends to align the approach to the electricity modifications to the BSC that were brought in in 2003 and 2004. These modifications were raised at a time that email use was

			<p>not widespread and the experience of the use of email at that time didn't foresee many of the problems that we understand today in the safe and secure use of email. Ofgem's did however foresee the some risks inherent in the use of email and so in their decision letter on those electricity modifications also stated their expectation that appropriate levels of security would be put in place regarding internet and email security wherever email communications were allowed as a result of this proposal being implemented.</p> <ul style="list-style-type: none"> • Is concerned about the risks associated with the use of an invalid email address, how easily an email address may be misspelt which not result in a "bounce-back" or non-delivery may receipt if the email arrives with an unintended recipient. • Equally it does not address obligations to update and change valid email addresses, to ensure that communications get to their intended recipient. • Disagrees that the modification meets the self-governance criteria on the grounds that it could have a material impact on contractual relationships if important communication provisions are not managed robustly by all parties. • Unable to support the legal text as written as it believes that critical items are missing and therefore the modification would not deliver a safe and secure communication medium.
National Grid Distribution	Support	f) - positive	<ul style="list-style-type: none"> • Recognises that the modification identifies valid and compelling arguments for email as a method of Code Communications. • Notes that email could provide significantly more flexibility for the industry, especially when identifying and developing future industry change solutions, and as a consequence facilitates both cost and time efficiency. • Agree that self-governance status applies. • Highlights what it believes to be an anomaly within the legal text which states - <i>"Where the UK Link Committee considers and revises from time to time the means by which a Code Communication may be given as set out in the UK Link Manual it shall notify the UNC Committee within a reasonable period of those changes."</i> - the net effect of such a statement would be to potentially place a UNC obligation on a Non-Code Party (namely the UK Link Committee), so

			consideration of a possible alternative solution might be prudent.
National Grid NTS	Qualified Support	f) - impacted	<ul style="list-style-type: none"> • In recognising the potential benefits associated with the introduction of email communications, remain concerned that it's introduction could lead to significant Code communication related change. • Believe that robust rules (i.e. agreement to use email, introduction of primary email contact list management and adequate proof of delivery and receipt) are needed, but note that these are not included within the modification. • Recognises that this is a limited first step and that more modifications may transpire as email communications develop further. • Agree that self-governance status applies. • Voiced some concerns around whether real efficiency would be promoted on the grounds that a lack of robust rules (especially around sending and receiving email communications) could result in inefficiencies.
Northern Gas Networks	Support	f) - positive	<ul style="list-style-type: none"> • This modification seeks to codify this existing practice that has developed organically within the industry and provide an appropriate regulatory framework within which email can be used as a code communication. • Cites ease of use, reliability, efficiency and security as a positive benefit behind email communications • Highlights the fact that BSC Modifications P113 and P159 (inc. majority of the legal text) were utilised as the basis for developing this modification. • It is envisaged that if implemented, existing governance arrangements would apply (i.e. namely via the UK Link Committee as a delegated authority from the Uniform Network Code Committee and thereafter the UK Link Manual as the prime document detailing the communication methods for each relevant Code reference). • The modification is avoiding unnecessarily burdensome governance. • Further to this current proposal, also proposing changes to how the UK Link Manual is written in order to provide greater granularity on conventional communications identified within the UK Link Manual thereby enabling UKLC Members the ability to determine specific conventional communications or exclusion of others – ensuring only appropriate

			<p>communication methods are selected.</p> <ul style="list-style-type: none"> • Agree that self-governance status applies.
RWE npower	Support	f) - positive	<ul style="list-style-type: none"> • In recognising that the modification seeks to amend the UNC General Terms Section B in order to allow email to be used as a valid code communication, it also points out that email is already regarded as a valid form of communication within the Electricity Industry. • Alignment of the gas and electricity industry is beneficial and the provisions within this modification would resolve the non-compliance issues for parties who already utilise email for some existing processes. • Agree that self-governance status applies.
Scotia Gas Networks	Support	f) - positive	<ul style="list-style-type: none"> • Believe that email is an important, efficient and secure form of communication that should be included as a valid means of communication. • Recognises that email communications have been an allowable communication in the Electricity Industry Balancing and Settlements Code (BSC) for more than 10 years. • Agree that self-governance status applies.
Wales & West Utilities Ltd	Support	f) - positive	<ul style="list-style-type: none"> • In recognising that the modification seeks to amend the UNC General Terms Section B in order to allow email to be used as a valid code communication, it also points out that some parties already utilise email for some existing processes and are as a result, non compliant with Code as a consequence. • This modification seeks to address these non compliance related issues whilst implementing appropriate governance arrangements under the auspices of the UKLC. • Agrees that it is appropriate that changes to communications made by the UK Link itself and Contingency arrangements are not within the scope of this modification. • Agree that self-governance status applies.

Representations are published alongside the Final Modification Report.

Additional Information provided for consideration

In its response, National Grid NTS highlights that as the use of email develops they believe that the following areas will need to be addressed:

- Arrangements for parties to agree between them what information could be communicated by email

- Defining a primary person within an organisation responsible for resolving email communication failures
- Determining whether communication has been achieved, and setting out obligations to define and manage any non-delivery
- How the UK Link Committee should manage current and future changes to Appendix 5B of the UK Link Manual.

9 Panel Discussions

The Panel Chair summarised that Modification 0479S seeks to introduce the use of email as a valid Code Communication within the Gas Industry in certain specific circumstances and is seen by some to be codifying current practices.

Members considered the representations made noting that, of the 9 representations received, 5 supported implementation, 2 offered qualified support, 1 provided comments and 1 was not in support.

Members noted that several consultation responses highlight the benefits behind introduction of valid email communications on the grounds that email provides significantly more flexibility for the industry, especially when identifying and developing future industry change solutions, and as a consequence facilitates both cost and time efficiency. However, it was recognised that whilst supporting the principle of expanding the use of email for code communications, as it is important to take advantage of improvements in technology, one party had voiced concerns that the business rules within the modification are inadequate to substitute the conventions on the certainty of communications by letter or facsimile. Members discussed the fact that UNC TPD section U1.8 already requires Users to ensure that communications are secure, whatever their form. Further, Members noted that the UK Link Committee would approve all such changes to communications as they were recorded in the UK Link manual and a report sent to UNCC.

Members considered relevant objective f). In recognising that there was not universal agreement about the relevant objectives across consultation responses, some members agreed with the majority view that implementation of this Modification Proposal would better facilitate objective (f), the promotion of efficiency in the implementation and administration of the Code, since it was seen as a first step, aiming to implement existing best practise regarding the inclusion of email as a communication format across the industry.

Members voted with 10 votes in favour (out of a possible 11), to implement this self-governance modification.

10 Recommendation

Panel Recommendation

Having considered the Modification Report, the Panel determined:

- that proposed self-governance Modification 0479S should be made.