

Representation - Draft Modification Report 0522S (formerly 0479A) - Inclusion of email as a valid UNC Communication

Responses invited by: **10 December 2015**

To: enquiries@gasgovernance.co.uk

Representative:	Colette Baldwin
Organisation:	E.ON
Date of Representation:	9 th December 2015
Support or oppose implementation?	Support
Relevant Objective:	f) Positive

Reason for support/opposition: Please summarise (in one paragraph) the key reason(s)

When the first set of business rules were introduced into an industry code it was at a time early in the adoption of email communication and so arrangements were quite light in terms of obligations as they were envisaged to be supporting communication rather than being the status of formal notice communications. There is still no legal precedence on the reliance of when communication can be determined to have taken place in respect of the use of email, other than that which is set out in a contract between parties who have agreed what the rules will be.

The introduction of more robust requirements is therefore essential to ensure that it's clear when communication has contractually taken place and what parties who use email can rely on in terms of the legal relationships that it creates and ensuring that communication has taken place with the correct party.

Whilst 479 introduced some improvements, in E.ON's view they did not go far enough to provide the legal certainty that should attach to formal notice communications by email.

Self-Governance Statement: *Please provide your views on the self-governance statement.*

I think as there are no system requirements, but simply rules to help improve the governance arrangements, then the modification is now capable of being self-governance.

Implementation: *What lead-time do you wish to see prior to implementation and why?*

As soon as possible to provide more robust rules.

Impacts and Costs: *What analysis, development and ongoing costs would you face?*

None

Legal Text: *Are you satisfied that the legal text will deliver the intent of the Solution?*

Yes

Are there any errors or omissions in this Modification Report that you think should be taken into account? *Include details of any impacts/costs to your organisation that are directly related to this.*

No

Please provide below any additional analysis or information to support your representation