

## 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](mailto:enquiries@gasgovernance.co.uk)

<b>Representative:</b>	Richard Pomroy
<b>Organisation:</b>	Wales & West Utilities Ltd
<b>Date of Representation:</b>	<b>8 December 2015</b>
<b>Support or oppose implementation?</b>	Oppose
<b>Relevant Objective:</b>	f) None

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

This modification proposal has a very worthy aim of having a central record of email contacts for all Code Communications, however in practice we think that it will introduce complexity without adding value. It seeks to achieve the same result as Modification 0306 in 2011, which introduced the Shipper Credit Security Contacts list, but across a much larger range of contacts. Our experience is that the Shipper Credit Security Contacts list is not kept up to date and we provide further explanation in the additional information section. The need for a 'deemed receipt' definition for email communication has been implemented by Modification 0479S and as this is the only part of codifying email use that we believe is critical, we do not support implementation of Modification 0522S.

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

We agree that this is a self-governance modification

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

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

WWU does not expect to face any costs.

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

We note from the legal text commentary that the legal text provider had to make number of assumptions so while the legal text fulfils the intent of the solution it is not clear that it fully delivers the intent of the proposer.

**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**

WWU's experience of the Shipper Credit Security Contacts process is that an initial list was compiled by Xoserve but then it seems that these were rarely updated by Shippers when contacts changed. We understand Xoserve now pro-actively remind Shippers of the need to update contacts and then circulate updated lists to Networks. When Value at Risk notices are issued by WWU we send them to the contacts with whom we have been corresponding regarding Credit & Security and check the list for the 'official contact' and copy them in if different for compliance purposes. It is not unusual for the 'official contact' to be out of date. Modification 0522S introduces this type of recording but across many unrelated areas of the businesses and we therefore do not believe in all honesty that it is likely to be kept up to date by many parties. There is then a danger that an out of date 'official contact' is used in place of the informal one and a communication does not reach the relevant person.

One common use of email is for BACS remittances (as required by UNC S 3.4.1) and this is used without issue by WWU with most Shippers without the need for having to maintain separate lists of the email addresses set up in our respective accounting systems.

It should be noted that the obligation on Shippers to keep the Shipper Credit Security Contacts is an absolute obligation (TPD V2.1.1states Shipper must...). Modification 0522S does not absolutely require updates to be provided it just has a reasonable endeavours obligation to give 20 Business Days notice. We support the principle that changes should be notified in advance but for this modification to have any prospect of being enduringly useful parties should have as a minimum an absolute obligation to keep addresses up to date.