

Record of Determinations:

Panel Meeting 267 17 December 2020

In favour	Not in Favour	Not Present	No Vote Cast
✓	X	NP	NV

Note definition of Defined Term "Panel Majority" in the Mod Rules 2.1.

FMR implementation votes should record either in favour or not present (or be blank) Mod Rules 9.4(b)

In favour	Not Present
X	NP

Modification	Vote Outcome	Shipper Voting Members						Transporter Voting Members					IGT Voting Member	Consumer Voting Member	Non-Domestic Consumer Voting Member	Determination Sought
		AG	DF	RK	MJ	RF	SM	DL	GD	HC	RP	TS	RC	LS	NB	
Modification 0748 (Urgent) – Prospective Removal of Entry Capacity Revenue from Capacity Neutrality Arrangements	Modification 0748 not recommended to be implemented - no majority vote in favour (4 out of 14)				✓			✓						✓	✓	Should Modification 0748 be implemented? (Yes, votes only)
Modification 0731S - Introduction of an Annual Modification Panel Report	No new issues were identified during consultation - unanimous vote against (13 out of 13)	X	X	X	X	X	X	NP	X	X	X	X	X	X	X	Were any new issues identified during the consultation?
	Modification 0731S to be implemented - unanimous vote for (13 out of 13)	✓	✓	✓	✓	✓	✓	NP	✓	✓	✓	✓	✓	✓	✓	Should Modification 0731S be implemented? (Yes, votes only)
Modification 0735S - UNC Changes as a consequence of the absence of trade agreement/s between the United Kingdom and the Europ	Consideration deferred to the 21 January 2021 Panel - unanimous vote for (14 out of 14)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Defer consideration of Modification 0735S to the 21 January 2021 Panel
Modification 0736S - Clarificatory change to the AQ amendment process within TPD G2.3	No new issues were identified during consultation - unanimous vote against (14 out of 14)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Were any new issues identified during the consultation?
	Modification 0736S to be implemented - majority vote for (13 out of 14)	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	Should Modification 0736S be implemented? (Yes, votes only)
Modification 0730 - COVID-19 Capacity Retention Process	Variation Request is material - unanimous vote in for (14 out of 14)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Is the Variation Request for Modification 0730 material?
	Not related to the Significant Code Review - unanimous vote against (14 out of 14)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Does Modification 0730V impact a Significant Code Review?
	Is not a Self-Governance Modification - unanimous vote against (14 out of 14)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Does 0730V meet the Self-Governance Criteria?
	Modification 0730V issued to consultation, with consultation closing out on 12 January 2021 - unanimous vote for (14 out of 14)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Should Modification 0730V be issued to Consultation, closing on 12 January 2021?
	Not related to the Significant Code Review - unanimous vote against (14 out of 14)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Does Modification 0747 impact a Significant Code Review?

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In favour	Not Present
X	NP

Modification	Vote Outcome	Shipper Voting Members						Transporter Voting Members					IGT Voting Member	Consumer Voting Member	Non-Domestic Consumer Voting Member	Determination Sought	
		AG	DF	RK	MJ	RF	SM	DL	GD	HC	RP	TS	RC	LS	NB		
Modification 0747 - Amendment of reference from AIGT to INA within the UNC	Is a Self-Governance Modification - unanimous vote for (14 out of 14)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Does 0747 meet the Self-Governance Criteria?
	Is a Fast-Track Self-Governance Modification - unanimous vote for (14 out of 14)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Does 0747S meet the Fast Track-Self-Governance Criteria?
	Modification 0747FT implemented - unanimous vote for (14 out of 14)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Should 0747FT be implemented?
0750 - Amendment to regulations relating to Covid Modifications	To be considered at short notice - unanimous vote for (14 out of 14)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Should Modification 0750 be consider at short notice?
	Not related to the Significant Code Review - unanimous vote against (14 out of 14)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Does Modification 0750 impact a Significant Code Review?
	Is a Self-Governance Modification - unanimous vote for (14 out of 14)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Does 0750 meet the Self-Governance Criteria?
	Is a Fast-Track Self-Governance Modification - unanimous vote for (14 out of 14)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Does 0750S meet the Fast Track-Self-Governance Criteria?
	Modification 0750FT implemented - unanimous vote for (14 out of 14)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Should 0750FT be implemented?
Request 0693R - Treatment of kWh error arising from statutory volume-energy conversion	Request 0639R issued to Workgroup 0639R with a report by the 21 January 2021 Panel - unanimous vote for (14 out of 14)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Should Request 0639R be returned to Workgroup 0639R with a report to be presented to the 21 January 2021 Panel?
Modification 0737 - Transfer of NTS Entry Capacity from a Capacity Abandoned ASEP	Modification 0737 issued to consultation, with consultation closing out on 12 January 2021 - unanimous vote for (14 out to 14)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Should Modification 07377 be issued to Consultation, closing on 12 January 2021?

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In favour	Not Present
X	NP

Modification	Vote Outcome	Shipper Voting Members						Transporter Voting Members					IGT Voting Member	Consumer Voting Member	Non-Domestic Consumer Voting Member	Determination Sought
		AG	DF	RK	MJ	RF	SM	DL	GD	HC	RP	TS	RC	LS	NB	
Modification 0738 - Incremental NTS Entry Capacity Surrender	Modification 0738 issued to consultation, with consultation closing out on 12 January 2021 - unanimous vote for (14 out to 14)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Should Modification 0738 be issued to Consultation, closing on 12 January 2021?
Modification 0674 - Performance Assurance Techniques and Controls	Workgroup 0674 reporting date extended to 18 February 2021 Panel- unanimous vote for (14 out to 14)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Should Workgroup 0674 reporting date be extend to February 2021 Panel?
Modification 0739 - Aggregate overrun regime for Original Capacity held at the Bacton ASEPs	Legal Text requested for Modification 0739 - unanimous vote for (14 out to 14)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Should Legal Text be requested for Modification 0739?

In favour	Not in Favour	Not Present	No Vote Cast
✓	X	NP	NV

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FMR implementation votes should record either in favour or not present (or be blank) Mod Rules 9.4(b)

In favour	Not Present
✓	NP

UNC Modification Panel
Minutes of Meeting 267 held on
Thursday 17 December 2020
via teleconference

Attendees

Voting Panel Members:

Shipper Representatives	Transporter Representatives	Consumer Representatives
A Green (AG), Total Gas & Power	D Lond (DL), National Grid	L Snoxell (LS), Citizens Advice
D Fittock (DF), Corona Energy	G Dosanjh (GD), Cadent	N Bradbury (NB), EIUG
R Kealley (RK), Centrica	H Chapman (HC), SGN	
M Jones (MJ), SSE	R Cailles (RC), BUUK	
R Fairholme (RF), Uniper	R Pomroy (RP), Wales & West Utilities	
S Mulinganie (SM), Gazprom Energy	T Saunders (TS), Northern Gas Networks	

Non-Voting Panel Members:

Chairperson	Ofgem Representative	Independent Supplier Representative
W Goldwag (WG), Chair	L King (LK)	(None)

Also, in Attendance:

- A Clasper (AC), Cadent
- A Jackson (AJ), Gemserv
- B Fletcher (BF), Joint Office
- C Williams (CW), National Grid (UNC 0748 only)
- D Mitchell (DM), SGN
- E Rogers (ER), Xoserve - CDSP Representative
- H Bennett (HB), Joint Office
- L Heyworth (LH), Cornwall Insight

P Garner (PG), Joint Office

R Hailes (RH), Panel Secretary

Record of Discussions

267.1 Introduction

The UNC Modification Panel Chair W Goldwag (WG) welcomed all attendees to the meeting.

267.2 Note of any alternates attending meeting

R Kealley (Centrica) for M Bellman (Scottish Power)

267.3 Record of apologies for absence

M Bellman Scottish Power

267.4 Minutes of the last meetings (19 November and 27 November 2020)

Panel Members approved the minutes from the 19 November and 27 November.

267.5 Review of Outstanding Action(s)

Action PAN 11/01: Agenda Item 265.5 Northern Gas Networks (TS) to provide an update on the COVID-19 Liquidity Relief Scheme in terms of what information will be available to industry in relation to defaulting or failing companies and an estimate of any recovery that might be needed and when this information will be available.

Update: T Saunders (TS) provided an update stating that until the scheme has closed and there is an aggregate reconciliation, no final values will be available for publication; this is likely to be around May 2021. The process then requires interest to be calculated on the final values and the Transporters will then consult with Ofgem to seek approval to recover the funds. Transporters will not be able to provide information prior to approval from Ofgem.

S Mulinganie (SM) asked if it would be possible to provide indicative figures at the same time the submission is made to Ofgem. TS was sympathetic to the view in terms of providing information, however, Transporters were not able to provide any information ahead of Ofgem approval.

WG noted the concerns and suggested that members should seek a view from Ofgem outside of Panel if they felt the situation warranted further clarity as this does not seem to be an issue Panel were able to resolve.

Closed

Action PAN 11/02: Agenda Item 265.8: The Joint Office to review and provide clarification of Workgroup assessment and quoracy to avoid future debates on this topic.

Update: P Garner (PG) advised that a paper will be circulated to members during January 2021 to clarify quoracy of relevant Committees, Workgroups and the allocation of Modifications.

Carried Forward

Action PAN 11/03: Agenda Item 265.14 CDSP (ER) to submit additional

information for consideration at Panel in relation to parties qualifying for Modification 0730 to inform materiality discussions.

Update: E Rogers (ER) advised that an update has been provided and published. WG noted the papers provided and suggested the paper is discussed during consideration of Modification 0730 and its associated Variation Request.

Closed

Action PAN 11/04: Agenda Item 266.5 CDSP (ER) to provide some analysis of the number of Supply Meter Points that would be eligible for a rebate under Modification 0730 at a given snapshot in time. The analysis to show the volumes, total values and level of discount.

Update: As with action PAN 11/04, WG confirmed this action will be reviewed during the consideration of Modification 0730 and its associated Variation Request.

Closed

267.6 Issues log

RH confirmed that there are no current issues.

Meeting Date	Minutes Ref.	Issue	Issue Raised By	Status	Owner
		No current issues			

267.7 Final Modification Reports

a) Modification 0748 (Urgent) – Prospective Removal of Entry Capacity Revenue from Capacity Neutrality Arrangements

Panel discussion: see the Final Modification Report published at:

<https://www.gasgovernance.co.uk/0748>

Panel Members noted concerns made in representations about compliance with the notification of pricing changes and that this potentially impacts Code.

Panel Members then determined (14 Panel votes were available for the determinations):

- Not to recommend implementation of Modification 0748, by majority vote (with 4 out of 14 votes for).

b) Modification 0730 – COVID-19 Capacity Retention Process

Panel discussion: see the Final Modification Report published at:

<https://www.gasgovernance.co.uk/0730>

See Agenda item 267.8 a) below for discussions on this Final Modification Report and associated Supplemental Workgroup Report.

c) Modification 0731S - Introduction of an Annual Modification Panel Report

Panel discussion: see the Final Modification Report published at:

<https://www.gasgovernance.co.uk/0731>

PG explained the purpose of the Modification and highlighted that 7 representations were received all of which support implementation.

Panel members considered the Relevant Objectives and updates were captured in the Final Modification Report.

There were no queries in relation to the Legal Text.

Panel Members then determined (13 Panel votes were available for the determinations):

- That there were no new issues requiring a view from Workgroup, by unanimous vote (13 out of 13).
- To implement Modification 0731S, by unanimous vote (13 out of 13).

d) Modification 0735S - UNC Changes as a consequence of the absence of trade agreement/s between the United Kingdom and the European Union ('no deal')

Panel discussion: see the Final Modification Report published at:

<https://www.gasgovernance.co.uk/0735>

Panel Members then determined (14 Panel votes were available for the determinations):

PG explained the purpose of the Modification and highlighted that 3 representations were received all of which support implementation.

Panel members considered the Relevant Objectives and updates were captured in the Final Modification Report.

One Panel member questioned if UK/EU talks are still ongoing, should consideration of the implementation of this Modification be deferred.

Panel members agreed to defer consideration of Modification 0735S to a date following the completion of negotiations concerning a trade deal.

Panel Members then determined (14 Panel votes were available for the determinations):

- To defer consideration of Modification 0735S, by unanimous vote (14 out of 14).

e) Modification 0736S - Clarificatory change to the AQ amendment process within TPD G2.3

Panel discussion: see the Final Modification Report published at:

<https://www.gasgovernance.co.uk/0736>

There were no queries in relation to the Legal Text.

PG explained the purpose of the Modification and highlighted that 7 representations were received all of which support implementation.

Panel members considered the Relevant Objectives and updates were captured in the Final Modification Report.

Panel Members then determined (14 Panel votes were available for the determinations):

- That there were no new issues requiring a view from Workgroup, by unanimous vote (14 out of 14).
- To implement Modification 0731S, by majority vote (13 out of 14).

Post Meeting Notice:

Due to the DSC Change Management Committee meeting on 13 January 2021 and the expected approval of the related CDSP Change Proposal, the implementation date for Modification 0736S will be amended to 14 January 2021.

267.8 Consider Variation Requests

a) Modification 0730 – COVID-19 Capacity Retention Process

The Proposer (SM) provided an explanation of the variation advising that it introduces a claims validation process as a Business Rule where previously, this was added as an avoidance of doubt statement in the Final Modification Report.

TS added that the avoidance of doubt question was previously only added to the Draft Modification Report and not followed up with an amendment to the Modification by the Proposer.

PG explained there will be two things for Panel to consider should the Variation Request be considered material:

1. Issue to Consultation
2. Return to Workgroup with a report provided to Panel in February 2021.

SM advised that Ofgem noted they would like to see further evidence of the likely utilisation of Modification 0730, now 0730V, and suggested, if this is issued to Consultation, the following questions are included in the Consultation:

The likely utilisation of Modification 0730V based on a National Lockdown

1. *Aggregate number of Supply Points in Scope*
2. *Aggregate volume (kWh)*
3. *% of Supply Points where the relief from Modification 730V would pass directly to the Customer (i.e. pass-through contracts)*

ER then provided a brief synopsis of the validation process in response to Panel Action 11/03 where additional information was requested for Panel to consider in relation to parties qualifying for Modification 0730.

ER stated that limited information is available to Xoserve at present and they have only been able to provide a very broad spectrum of potential outcomes to be calculated: at one end of the spectrum were 5 confirmed sites, with an overall isolation amount of £108.00 while at the other end, there could be up to 4,500 sites with an overall isolation amount of £28,000.

ER also advised that Xoserve are unable to provide any reliable view with respect to the materiality of this Modification due to Xoserve only receiving a limited response to date related to sites isolated immediately following the Modification 0723 implementation and the nature, frequency and duration of future lockdowns is unknown.

Following the presentation by ER it was agreed that Panel Actions 11/03 and 11/04 were now **Closed**.

Panel Members were asked to consider if returning Modification 0730V to Workgroup would add any more value and were informed that the Workgroup Supplemental Report expressed a view that this Varied Modification should be issued to Consultation.

When NB asked for clarification on how the process would work, TS advised this is clearly defined in the Legal Text and added that regardless of what Tier a business is in and that business is mandated to close due to COVID-19, then the Business can apply for this process to be applied.

Panel members agreed that sending the Varied Modification back to Workgroup would not add any further value.

Panel members were asked to consider if the Variation is material or immaterial.

Panel Members then determined (14 Panel votes were available for the determinations):

- The Variation Request is material, by unanimous vote (14 out of 14)
- It is not related to the Significant Code Review, by unanimous vote (14 out of 14).
- The criteria for Self-Governance are not met as the Modification does have a material impact on competition between Shippers and the allocation of Transportation charges, by unanimous vote (14 out of 14).
- Should be issued to consultation with a close out date of 12 January 2021, by unanimous vote (14 out of 14).

267.9 Consider New, Non Urgent Modifications

a) **Modification 0747 - Amendment of reference from AIGT to INA within the UNC**

R Cailles (RC) provided an overview of the purpose for the Modification and explained the Association of Independent Gas Transporters (AIGT) no longer exists and since early 2020 has been amalgamated into the newly formed Independent Networks Association (INA) which includes both Independent Gas and Electricity Network business.

It was confirmed that there is currently an IGT Modification that should address a similar issue in the IGT UNC, therefore there are no Cross Code issues.,

RP confirmed that the Suggested Text provided by the proposer is suitable for implementation.

Panel Members then determined (14 Panel votes were available for the determinations).

For Modification 0747 Members determined (14 Panel votes were available for the determinations):

- It is not related to the Significant Code Review, by unanimous vote (14 out of 14).
- The criteria for Self-Governance are met as the Modification does not have a material impact on Code governance or the Modification Rules, by unanimous vote (14 out of 14).
- The criteria for Fast-Track Self-Governance are met, by unanimous vote (14 out of 14).
- To implement Modification 0747FT by unanimous vote (14 out of 14).

b) **Modification 0750 - Amendment to regulations relating to Covid Modifications**

TS provided an overview of the purpose for the Modification and explained since the original suite of COVID-19 modifications were raised there have been a significant number of changes to the powers around mandated closures at local, devolved nations and overall national level.

TS advised the legal text was originally included in Modification 0730, however, due to the delays with Modification 0730, it was agreed to remove the legal text from that Modification and progress it via a separate Fast-Track Modification. TS added the legal text has already been through consultation as part of the text provided for Modification 0730.

Panel Members then determined (14 Panel votes were available for the determinations).

For Modification 0750 Members determined (14 Panel votes were available for the determinations):

- To consider at Short Notice by unanimous vote (14 out of 14).
- It is not related to the Significant Code Review, by unanimous vote (14 out of 14).
- The criteria for Self-Governance are met as the Modification does not have a material impact on Code governance or the Modification Rules, by unanimous vote (14 out of 14).
- The criteria for Fast-Track Self-Governance are met, by unanimous vote (14 out of 14).
- To implement Modification 0750FT by unanimous vote (14 out of 14).

267.10 Existing Modifications for Reconsideration

- a) **None**

267.11 Workgroup Issues

- a) **None**

267.12 Workgroup Reports for Consideration

- a) **Request 0693R - Treatment of kWh error arising from statutory volume-energy conversion**

Panel Members noted the Workgroup Report recommendations.

PG explained that although Workgroup have completed their Workgroup meetings, the last Workgroup meeting was held too close to this meeting and Panel members were asked to consider extending the reporting date to January 2021.

For Request 0693R, Members determined (14 Panel votes were available for the determinations):

- Request 0693R should be returned to Workgroup 0693R with a report presented to the 21 January 2021 Panel, by unanimous vote (14 out of 14).

- b) **Modification 0737 - Transfer of NTS Entry Capacity from a Capacity Abandoned ASEP**

Panel Members noted the Workgroup Report recommendations

For Modification 0737, Members determined (14 Panel votes were available for the determinations):

- Modification 0737 should be issued to consultation with a close out date of 12 January 2021, by unanimous vote (14 out of 14).

c) Modification 0738 - Incremental NTS Entry Capacity Surrender

Panel Members noted the Workgroup Report recommendations

For Modification 0738, Members determined (14 Panel votes were available for the determinations):

- Modification 0738 should be issued to consultation with a close out date of 12 January 2021, by unanimous vote (14 out of 14).

267.13 Consideration of Workgroup Reporting Dates and Legal Text Requests

Panel Members determined unanimously to extend the following Workgroup reporting date(s), recorded here with some additional data:

Modification number and title	Current Panel reporting date	Requested Panel reporting date	Reason for request to change Panel reporting date/Comments
Modification 0674 - Performance Assurance Techniques and Controls	Dec 2020	Feb 2021	Process and systems solutions requires further work and consideration.

Panel Members discussed Legal Text requests and determined unanimously to make a legal text request for the following Modification(s):

Legal Text Requests for Modifications

Modification 0739 - Aggregate overrun regime for Original Capacity held at the Bacton ASEPs

267.14 Any Other Business

a) Consideration of Alternative Modifications and Preference Voting

BF provided an overview of the process for considering alternative Modifications and the use of a preference vote as a numeric value to support Panel discussions when providing analysis to Ofgem on which Modification would further the Relevant Objectives the most.

SM mentioned that if there are more than two alternatives this process does not work very well; he suggested a different process for multiple alternatives.

RP said that when there are multiple alternatives it can be quite difficult to choose a preference, often there can be some Panel Members that do not have the required knowledge on the topic.

TS advised she does not like only being able to have one preference vote and would prefer being able to either abstain or choose multiple alternatives.

HC reminded Panel of the question that is actually being asked, reminding there needs to be consideration of the language used and a proper line of questioning should be adopted. e.g. do not ask a question “could Modification xxxx be implemented” as at this stage in the process, this should already be understood and Panel would manage the process accordingly.

It was noted that questions should be referring to which Modification best furthers the Relevant Objectives.

When asked, LK referred to Modification 0678 and its many alternatives noting that many of the alternatives could be clustered into similar solutions, whereas the preference voting method used at the time did not give Panel members the opportunity to reflect this.

PG advised that to take this forward, that BF,DF, LK and PG will discuss some potential options and report back to the February Panel.

New Action PAN 12/01: BF, DF, PG and LK to discuss potential options for considering Modifications with multiple alternatives.

b) Legal Text Guidance Document – Annual Review

It was agreed to defer this item to 18 February 2021 Panel meeting.

c) Proposed Update to UNC Modification Template

It was agreed that the new Modification template will be issued to Panel Members for consideration, with a view to approve at the 21 January 2021 Panel.

267.15 Date of Next Meeting(s)

10:00, Thursday 21 January 2021, by teleconference.

Action Table (17 December 2020) continued

Action Ref	Meeting Date	Minute Ref	Action	Owner	Status Update	Date of Expected update
PAN 11/02	19/11/20	265.8	The Panel Chair asked the Joint Office to review and provide clarification of Workgroup assessment and quoracy to avoid future debates on this topic.	Joint Office	Carried Forward	February 2021
PAN 11/03	19/11/20	265.14	Agenda item 265.14 – CDSP (ER) to submit additional information for consideration at Panel in relation to parties qualifying for Modification 0730 to inform materiality discussions.	CDSP (ER)	Closed	
PAN 11/04	27/11/20	266.5	CDSP (ER) to provide some analysis of the number of Supply Meter Points that would be eligible for a rebate under Modification 0730 at a given snapshot in time. The analysis to show the volumes, total values and level of discount.	CDSP (ER)	Closed	
PAN 12/01	17/12/20	267.14	BF, DF, PG and LK to discuss potential options for considering Modifications with multiple alternatives.	Joint Office (BF/PG)	Pending	February 2021