

iGT UNC / iGT INC Modification Proposal

Date	29 th February 2008
Urgency	Non-urgent
Reference	iGT018
Status	Consultation
Title	Determination of Implementation Dates by Panel
Proposer	ES Pipelines
iGT UNC / Pipeline Operator	iGT UNC
Modification Proposal Dates	<i>Circulation: 29/02/2008</i> <i>Response: 25/03/2008</i> <i>Circulation of DMR: 15/04/2008</i> <i>Response to DMR: 07/05/2008</i> <i>Circulation of DFMR - 29/05/2008</i> <i>DFMR Presented to Panel - 18/06/2008</i> <i>FMR sent to authority: 27/06/08</i>

Urgency
Non-urgent

Background

Having conducted a review of the iGT UNC Modification Rules, Review Group iGTRP001 has identified a number of areas in which improvements may be made to the efficient administration of modification procedures. One of these areas is the determination of implementation dates of modifications to the Code.

It is currently considered that the end of the consultation process is not adequate to cater for those modifications on which there is not widespread agreement among Code Parties. Part L Clause 18.5 makes it clear that the Panel is to recommend an implementation date, but only in those cases where it is in agreement that the modification should be implemented. This creates uncertainty for all Code Parties and for the Authority in a number of cases, and can mean that Code modification is hindered at this 'final hurdle'.

Furthermore, as currently drafted, the rules only require a 'recommendation' from the Panel. This would suggest that the final determination lies elsewhere. However, assumptions that a final 'determination' on implementation dates will come from the Authority are unfounded. With this in mind, it is more appropriate that the Panel determines an implementation date, based on the Proposer's recommendation, responses received to the consultation, guidelines set out in the iGT UNC and their knowledge of the processes involved. The Authority may then overrule this date if it deems necessary.

The Proposal

Every modification proposal should include a recommended implementation date. This can be commented upon during consultation. The Panel will either agree the recommendation or determine an alternative, based on a 'backstop' date 6 releases (18 months) from Authority approval. An implementation date will be determined for all modifications and recorded in the FMR.

In light of the fact that an equal split in a Panel vote would *not* constitute a recommendation for implementation, (and this is a reasonably likely outcome for many mods,) it is suggested that an implementation date should be *determined for all* modification proposals. There is an 'unknown' in the current modification process whereby a modification directed by the Authority for approval can have no implementation date. It is clear that in this situation further discussion would be necessary at industry level, but agreement of an implementation date 'after the event' is not contemplated by the rules as they stand, causing uncertainty and potential inefficiency.

Part L Clause 19.2 provides a starting point for discussion, but it should be recognised that the 2, 4, and 6-month timescales are *minimum* guidelines, and there could be good reasons to deviate from these.

It is further recognised that the 'profile' of the issue of implementation dates should be raised throughout the modification process. For this reason, it would make sense for the Proposer of a modification to recommend an implementation date (in line with the agreed implementation timescales and release schedules) at the point where the proposal is first raised. It may be, for example, that a Party is able to support a proposal with comfort that implementation would not be proposed for some time, where otherwise they may not have done. Additionally, this prompts comments (and potential changes) on this important aspect of code modification throughout consultation.

This proposal seeks to reduce uncertainty in the modification process by ensuring that:

- the issues around implementation are always considered when modification proposal is raised,
- the discussion of implementation dates and timescales is prompted during consultation,
- the Authority have visibility of any anticipated problems with implementation timescales when making their decision,
- a modification will never be approved by the Authority without prior clarity among all parties on implementation date.

Note: There is an addition required to the modification template, which is being undertaken separately to this modification.

Suggested timescale for implementation

Two months from Authority approval, in accordance with agreed release schedules.

How will the proposal operate?

There will be an additional requirement to include a proposed implementation date in a modification proposal. This would be added to L 9.4. This is necessary to ensure that later in the consultation process the Panel are able to 'endorse' (or not) this proposed implementation date.

Alter drafting of L 18.5 (c) to reflect the fact that the Panel determines rather than recommends the date for implementation. Additional drafting inserted into Part L, after 18.5 to specify how the Panel makes the determination of implementation date, if it does not endorse the recommendation of the Proposer.

Facilitation of the relevant objectives

This proposal facilitates the promotion of efficiency in the implementation of the network code, since:

- it should remove the requirement for further discussion of modification proposals after Authority determination;
- it will help to ensure that any modification raised takes into account the implementation timescales and schedules already in existence, as the Panel will be making their determination based on these criteria; and
- it will promote discussion of implementation dates during the consultation process, allowing the Proposer, other code parties and the Authority to identify with greater ease the potential impediments to implementation *before* the Authority make their determination.

Proposed Legal Text

New text:

9.4 (f) a recommendation as to a proposed date for the implementation of the Modification Proposal.

To replace current 18.5 (c):

18.5 (c) the determination of a date for the implementation of the Modification Proposal, either by endorsement of the Proposer's recommended implementation date, or pursuant to Clause 18.6.

New text:

18.6 If the Modification Panel does not determine by unanimous vote to agree the Proposer's recommended implementation date, it will agree such date, beginning with the earliest practical date (if not that recommended by the Proposer) and ending with a date 6 releases from Authority decision, until unanimous decision is reached, unless a unanimous agreement can be achieved on a date further in the future.

(Subsequent Clauses to be renumbered.)

Completed forms should be returned to the iGT UNC Representative, Genserv Ltd at iGT-UNC@genserv.com or faxed to 020 7090 1001