

iGT046 – Revisions to the Mod Rules
Development Group Meeting 24th October 2012
E.ON Offices, Pall Mall, London

Attendees:

Trevor Clark - E.ON (Chair)
Steve Ladle – Gemserv
Mayokun Alonge – Gemserv
Lisa Charlesworth - Ofgem
Adam Pearce – ES Pipelines
Anne Jackson – SSE
Tracey Goymer – GTC (part, via Teleconference)
David Bowles – Fulcrum (part, via Teleconference)

Introductions

The Group Members introduced themselves.

Code Governance Review (Phase 2) Proposals

Since the last Workgroup Meeting Ofgem have issued a proposal paper in relation to Phase 2 of the Code Governance Review (CGR2) which includes the iGT UNC within its scope. While the proposal is currently in the Consultation phase, LC gave a high level overview of the potential impacts on the iGT UNC Modification process, namely the introduction of the following:

- A Self Governance process;
- A process for dealing with Significant Code Reviews;
- Adherence to the Code Administration Code of Practice (CACoP); and
- Send back powers

LC added that Ofgem were looking to encourage smaller party participation and the introduction of the CACoP would help achieve this, the concept of ‘Critical Friend’ was also a key element. SL advised that the CACoP had previously been reviewed against current iGT UNC processes which were proven to be largely compliant.

It was noted by the Group that the Significant Code Review, Send Back Powers and the CACoP could be introduced at Code level, whereas Self Governance would probably need a Licence change.

Licence modifications from this proposal are expected to take effect from Apr 13 and the related Code modifications from Jul 13.

iGT046 Progression

In light of the CGR2 proposals the group discussed the options available for progressing the iGT046 Mod, in particular should the modification rules be amended now to reflect the expected outcome of CGR2 or should the Mod be put on hold until the outcome of CGR2 was known. After debate the group decided that the Mod should be progressed under the current Terms of Reference without adding extra elements likely to be introduced through CGR2. It was felt that this approach would introduce less change in one go and was therefore more likely to result in the Mod gaining approval.

The group agreed that any changes to the modification process required as a result of CGR2 will therefore be developed at a later stage under a separate mod. LC confirmed she was happy with this approach.

Part L – Modification Rules

The group discussed the Visio diagram of the proposed process and also completed a page turning exercise of the revised Modification Rules, both documents had been published for review in advance of the meeting on the iGT UNC Webpage. TC confirmed that where changes had been made to the Rules these were generally reflective of those found in the UNC, however rules specific to the iGT UNC had been retained/added where necessary. Among a number of minor revisions and amendments to these Rules the following changes and observations were raised during the meeting:

- Where the Panel vote to either send a Mod to Consultation or Development is split, the current rules allow for the Mod to be deferred to the next Panel Meeting, should the vote then remain split the Mod would automatically go to Consultation. LC suggested that the default position should be to send the Mod to Development rather than Consultation, the group agreed with this suggestion.
- Urgent Mods – it was highlighted that there had never been an Urgent Mod raised for the iGT UNC, although provision has been made for them in the Rules. DB asked if there was any criteria available for what Modifications would be considered as Urgent, LC responded that guidance was available on the Ofgem website.
- Modification Templates – it was agreed that references to templates within the Rules should direct the enquirer to those available on the iGT UNC website rather than those suggested within the CACoP. It was accepted that these templates may need to be updated at a later date but this was outside the scope of this Mod. LC added that the templates within the CACoP were there for guidance and could be adapted to meet the needs of the individual Code.
- LC advised that the Rules should allow for the Authority to raise Modifications necessary to comply with or implement regulations or legally binding decisions of the European Commission or Agency for the Co-operation of Energy Regulators. Existing wording within the standard Transporters Licence could be used for this purpose.
- Whenever a new Modification Proposal is raised the Rules state that the name of the proposer and their contact details should be provided. Although standard practice for the UNC within the iGT UNC only the name of the proposer is required. The group debated if the

proposer would be happy for their contact details to be published with the Mod or if they should be retained by the Representative. It was proposed that this question should be included in the Consultation Report for parties who have an opinion either way to respond to.

- Alternate Modifications – it was noted that while the proposed Rules for raising Alternate Modifications was still tight, in the majority of cases more time would be available than the 5 days currently available within the existing Rules.
- It was noted that the new Rules allow Modification Proposals to be added to the agenda of the next Panel meeting up to 8 business days prior to the meeting. This was a change to the 10 business days required within the existing Rules.
- Where a Mod is sent to Development, the proposed Rules allow for it to go to either a new Workgroup or the existing iGT Shipper Standing Workgroup. The group discussed if the Standing Workgroup was a suitable forum for Modifications to be developed and if it should be referenced as such within the Rules, after debate it was agreed to allow either route.
- LC advised that following the implementation of UNC 0384 a short while ago, the wording in the UNC Mod Rules around the provision of Legal Text and the Consultation Procedures had been amended. It was agreed that this should be reflected in clauses 18.1 and 20.1.1 of these proposed Rules.
- The group agreed that clause 9.5 within the UNC Mod Rules covering 'Further Consultation' should be included within these proposed Rules.
- AP queried what would happen to existing Modifications that were still in flight if and when these new Rules were implemented. The group agreed that any in flight Modifications should follow the Rules applicable at the time they were raised.

Next Steps & Timescales

TC will update the Modification Rules with the agreed changes as well as drafting a Workgroup Report. The aim is that both documents will be circulated to the Group for review and sign off before being submitted to the December iGT UNC Panel Meeting.