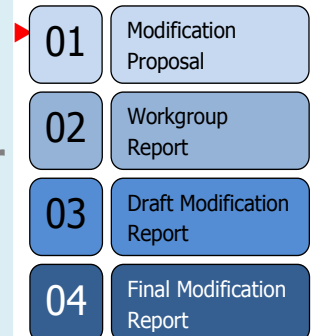


## Stage 01: Modification Proposal

At what stage is this document in the process?

# iGT062AA:

## Independent Secretariat Services for Modification Work Groups



The Proposer recommends that this modification should be (delete as appropriate):



- Proceed to Work Group



High Impact:  
None identified



Medium Impact:  
Pipeline Operators



Low Impact:  
Pipeline Users

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## About this document:

This amended modification will be presented to the panel on 15<sup>th</sup> October 2014.

The panel will consider the proposer’s recommendation, agree whether amendments are material or immaterial; and thus whether it should be issued for further consultation.


<b>Any questions?</b>
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## 1. Plain English Summary

### Is this a Self-Governance Modification?

It is the Proposer's view that this is not a Self-governance Modification. This Modification seeks to improve the facilitation of competition through improved governance. More broadly, the modification procedures would be impacted thus nullifying the ability to proceed via Self-governance.

### If so, will this be progressed as a Fast Track Modification?

Not applicable.

### Rationale for Change

In support of the Code Administrator Code of Practice (CACoP), it is suggested that better governance and improved transparency in industry developments require independence in secretariat services, including chairmanship.<sup>1</sup>

### Solution

To extend the role of the Code Administrator in providing full secretariat services to all current and future Modification Work Groups as well as for new modification Workstream meetings.

### Relevant Objectives

The Proposer believes that the Modification will support facilitation of relevant objective:

f) 'Promotion of efficiency in the implementation and administration of the Code'

### Implementation

It is proposed this will be implemented in three months, subject to Authority consent.

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<sup>1</sup> Note that the inclusion of chairmanship of all workgroup meetings is not universally adopted by all other Codes.

## 2. Rationale for Change

Effective industry governance frameworks allow for all parties to manage current and future change in a democratic, efficient and thorough manner. Code Administrators play an integral role in facilitating effective industry governance and their independence is a key enabler to the industry delivering change. This is recognised within the governance arrangements of the BSC, MRA, UNC, DCUSA and to an extent SPAA but it is important to note that not all Codes require the Code Administrator to undertake the role of both secretariat and chair as seen in the SPAA<sup>2</sup>, DCUSA<sup>3</sup>, and BSC<sup>4</sup>.

Discussions in the Development Work Group meetings have confirmed the desire for the Code Administrator to undertake both roles of secretariat and chair and as such this Modification seeks to extend these services to all current and future Modification Work Groups as well as the Modification Workstream meetings outlined later in this modification.

It has been suggested that such arrangements will deliver an improvement in the following areas:

- (1) minutes always being taken, released and of a sufficient standard to fairly cover the issues discussed;
- (2) meetings are set up with the appropriate amount of notice and minimising cancelled meetings; and
- (3) effective and impartial chairmanship.

Modification IGT062 suggests that iGTs will benefit through more accurately sharing the costs of resourcing Modification Work Group meetings, for example, the workload for iGT industry representatives will be financially shared as opposed to relying upon willing iGT representatives to absorb all secretariat and chairmanship duties. However, the additional services outlined in IGT062 and IGT062AA will come at an additional cost and the proposer believes this to be one that outweighs any potential savings referred to in IGT062. This is on the basis that IGT parties will see a resource saving for agenda and minute preparation but will still spend the same time attending and participating in such meetings and be subject to the cost of meeting room provision (currently provided by all parties), the cost of a meeting chair and the cost of a meeting secretary (currently both carried out by a single IGT party). As such, IGT062AA seeks to enable IGTs to share the costs equally with Shippers for such services and ensures that all parties that benefit from the additional services contribute towards such additional costs.

Development Work Group discussions held on 19<sup>th</sup> May 2014 confirmed a preference for additional charges to be set out in each IGT transportation charging statement rather than a new 3 way contract being set up between the Code Administrator, Shippers and IGTs for the additional secretariat and chairmanship services. This would allow IGTs to recover a portion of the associated costs, the method of which is outlined in section 5.

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<sup>2</sup> The SPAA Expert Group terms of reference state that "*The Chair will at all times be from a company that is also a SPAA Party*".

<sup>3</sup> Section 1B 7.28 of the DCUSA states that "*Each Working Group shall be chaired by such person (the WG Chairman) as the Panel may direct*".  
<http://www.dcusa.co.uk/Public/DCUSADocuments.aspx?s=c>

<sup>4</sup> Section F2.4.6 of the BSC states "*The Panel shall appoint one of the members of a Workgroup to act as chairman of the Workgroup*".  
[http://www.elexon.co.uk/wp-content/uploads/2013/11/section\\_f\\_v20.0.pdf](http://www.elexon.co.uk/wp-content/uploads/2013/11/section_f_v20.0.pdf)

## 3. Solution

This solution builds on existing governance arrangements in the IGT UNC, as well as incorporating aspects of the IGT UNC Chairman's Guidelines into the code. The key elements that are required to facilitate this modification are as follows:

### **Notice of Meetings**

The Modification Workstream dates are fixed, however the Code Administrator must also reconfirm the date to iGT UNC Parties 10 business days ahead of the meeting.

### **Circulation of Meeting Papers**

For the purpose of this Modification, Meeting Papers include the Draft Agenda, Final Agenda, Minutes and any Additional Papers, i.e. those papers relevant or required to enable the meeting to carry out its business. In the case of a Sub Group, one of the Additional Papers will include the Terms or Reference, please see 'Sub Group' section for further information. The Meeting Papers will be circulated to all IGT UNC parties as follows:

Workstream (including all Modification Work Groups)

- Draft Agenda– 10 Business Days prior to the meeting date
- Additional Papers where possible - 10 Business Days prior to the meeting date
- Final Agenda and Additional Papers – 5 Business Day prior to the meeting date
- Minutes – 5 Business Days after the meeting date

Ex-Committee Work Group

- Draft Agenda, where possible– 10 Business Days prior to the meeting date
- Additional Papers. where possible - 10 Business Days prior to the meeting date
- Final Agenda and Additional Papers – 5 Business Day prior to the meeting date
- Minutes – 5 Business Days after the meeting date

### **Minutes**

Minutes will be taken for each of the Modification Work Groups by the Code Administrator. The Code Administrator will provide all attendees of the Modification Workstream the opportunity to provide comment up to the opening of the next relevant meeting, at which point minutes will be agreed by the Modification Workstream members. Where a party wishes to provide comment but is unable to attend the meeting at which the Minutes are agreed, the Code Administrator will read their comments when the group is agreeing the minutes.

### **Timescales**

Any divergence from these timescales under subheadings Notice of Meetings, Circulation of Meeting Papers, should be reported to the next Panel meeting, with the reasons for doing so outlined.

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## **Vacation of Office**

If the Code Administrator cannot chair and/or provide Secretariat Services for a meeting, at short notice, all Users and Operators will receive a notification requesting a members of the Modification Workstream take on these two roles. If the Code Administrator cannot chair multiple meetings the iGT UNC Modification Panel will decide on how best the situation may be managed.

## **Modification Workstream**

The iGTs will be responsible for procuring services to host 12 independently chaired 'Workstreams' per annum. Where possible, these will be hosted 1 month apart. The Code Administrator will provide Chairmanship and full Secretariat Services for each of these meetings. *This closely mirrors the arrangements under the UNC to hold multiple modification work groups within one meeting.*

Based upon the number of Development group meetings that covered iGT UNC Modification 030 to 060, (see Appendix A) it is anticipated that 12 'Workstreams' will be sufficient to incorporate all Modifications. It is worth balancing the perceived impact(s) of more Modifications progressing via a Development group, with the view that the iGT UNC will be 'scaled back' as a result of UNC 440 and iGT UNC 039. These Modification Workstreams will have a fixed timetable, in the same manner as the iGT Shipper Workgroup does, as this enables all parties to effectively plan and make appropriate travel arrangements.

## **Urgent Modifications**

Where the iGT UNC Panel and Ofgem agree a Modification meets Urgent status, and is requiring work group consideration, it will be helpful for there to be a mechanism that permits it to be sent to a forum that benefits from the secretariat services and chairmanship that other modifications receive. It is anticipated that very few Modifications will meet urgent status, however this should not detract from consideration of the path these Modifications may take.

This Modification confirms provisions need to be made to ensure Urgent Modifications receive the same level of service that the proposed Modification Workstreams would provide.

In the first instance, Panel will have the option to send the Urgent Modification to either the Modification Workstream or the iGT Shipper Workgroup. It is expected the Panel will send the Urgent Modification to the first group that follows Panel, depending upon parties' ability to prepare. For the avoidance of doubt, this Modification does not seek to place decision-making requirements on the Panel in these scenarios, rather it is pointing to a sensible approach. This Modification does, however, provide the Panel with a further option. Where an Urgent Modification requires work group assessment and the Panel agree it would be inappropriate to await the next scheduled iGT Shipper Work Group or Modification Workstream, the Panel will be able to set up an Ex-Committee Work Group. This does not preclude it being incorporated into the Modification Workstream at a later date. The Panel will agree the format under which the Ex-Committee Work Group takes, including the place of the meeting, i.e. via teleconference or a physical meeting. Independent secretariat services and chairmanship will be provided, and in keeping with this Modification, the cost for which will be shared by iGT and Shipper parties (recoverable under the iGT Transportation Charging Statement). As with all decisions made in respect of the iGT UNC, parties are required to consider the efficiency of proposed arrangements.

## **Ex-Committee Work Group**

As referenced under Urgent Modifications, the provision of Ex-Committee Meetings will enable Urgent Modifications that cannot, for reasons implied in the Modification,

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requires such attention that it cannot await assessment at the next Modification Workstream or iGT Shipper Work Group.

Ex-Committee Meetings may also be set up, subject to a majority iGT Modification Panel agreement being reached, in the case of a non-Urgent Modification. This is to allow for a Modification, such as Igt059 (Supply Point Registration – Facilitating Faster Switching) to receive the benefits of an independent chair and secretariat services. Given the great attention the retail energy industry receives, it is not unreasonable to assume that other such changes will require iGT and Shipper parties to mobilise to reach a satisfactory outcome. It is appropriate that under these circumstances the same standard of Chairmanship and Secretariat Services are maintained. Whilst this mechanism must be included in this Modification, it is worth noting it is not a mechanism that is expected to be employed with any degree of regularity.

## **Sub Groups**

There may be instances where a Modification Workstream may consider it would be beneficial for a Sub Group to be set up to support the work of the group. This may include, for example, completing a piece of analysis or reviewing a detailed operational procedure. If the relevant Modification Workstream agrees that a Sub Group is to be set up it must do so with a justification of why this work would be better completed by a Sub Group. For the avoidance of doubt, it will be for the Chair to seek consensus within the Modification Workstream and judge whether a Sub Group should be set up in accordance with the views of the Modification Workstream. If it is agreed that a Sub Group should be set up, it is for the Modification Workstream to agree Terms of Reference for the Sub Group (please see Appendix B 1), these will be released by the Code Administrator alongside an invitation for iGT UNC parties to participate. Once the Sub Group agrees it has met the Objective(s), as detailed in the Terms of Reference it will submit the Sub Group Report (please see Appendix B 2). The Chair of the Sub Group will be responsible for ensuring the Sub Group completes the Sub Group Report. It will be submitted to the Code Administrator and will be included as an Additional Paper for the next relevant Modification Workstream. The Modification Workstream may request the Chair of the Sub Group to attend the relevant Modification Workstream in order to present the Sub Group Report. Where the Chair of the Sub Group is not available another member of the Sub Group may attend in the absence of the Chair of the Sub Group.

It will not be necessary for a Sub Group to be independently chaired, nor will require secretariat services to be provided by the iGT UNC Code Administrator.

## **Sufficient Workstream Business**

The Code Administrator is expected to consider whether there is sufficient business to hold a physical Modification Workstream, i.e. a meeting at the Code Administrator's office. Where a decision is made that there is not sufficient business in this scenario, the Modification Workstream may be cancelled or moved to a telephone (or similar) conference. This supports the industry in effectively managing their resources, both travel costs and time.

This modification balances the need to accepting the advantages in allowing for flexibility in meeting arrangements, with the need to provide parties with certainty of such arrangements. Where the Code Administrator is of the view the Modification Workstream should be cancelled or moved to a teleconference, it must notify iGT UNC parties with at least 5 Business Days notice.

## Existing Modification Work Group

Existing Modification Work Groups should be incorporated into the Modification Workstream on the basis that holding a Modification Workstream for new modification alongside separately managed Modification Work Groups would not be efficient.

It is worth noting the Modification Work Group considering iGT039 'Use of a Single Gas Transporter Agency for the common services and systems and processes required by the iGT UNC' has been meeting regularly since 2011. It would be expected that this Development group will have concluded its work by the time this modification could be implemented.

## A Note on Legal Drafting

It is anticipated these aspects will be included in Part L 'Modification Rules' and as such would require Authority consent to be amended.

A definition for Modification Workstream, Ex-Committee Work Group and Sub Group should be included for ease of reference and efficient administration of the code.

Part L, Modification Rules, Clause 4.2 confirms the iGT UNC Operators may appoint the Code Administrator as the Panel Chairman or deputy Panel Chairman. It is proposed this element will be strengthened from 'may appoint' to 'will appoint' and as a result allow for the clause to be mirrored in respect to the Shipper Work Group and ultimately, Modification Workstreams.

The iGT Shipper Standing Work Group is defined in Part L in accordance with the Terms of Reference as published on the iGT UNC website. The Terms of Reference may be amended by the group but in order to maintain oversight of the purpose and business of this group, it is proposed that amendments would be subject to approval by the iGT UNC Modification Panel. Elsewhere, the functioning of the iGT Shipper Standing Work Group should not be impacted through the implementation of iGT062.

## Business Rules

### Scheduling and Administration of Modification Workstreams

1. The Code Administrator will consult with the iGT UNC Modification Panel to agree the dates of 12 Modification Workstreams. These will be scheduled monthly.
2. Meeting Papers include the Draft Agenda, Final Agenda, Minutes and any Additional Papers, i.e. those papers relevant or required to enable the meeting to carry out its business.
3. The following schedule will be adhered to in the case of Modification Workstreams,
  - a. Draft Agenda – 10 Business Days prior to the meeting date
  - b. Additional Papers. where possible – 10 Business Days prior to the meeting date
  - c. Final Agenda and Additional Papers – 5 Business Day prior to the meeting date
  - d. Minutes – 5 Business Days after the meeting date
4. The following schedule will be adhered to in the case of Ex-Committee Work Groups and Sub-Groups,
  - a. Draft Agenda, where possible– 10 Business Days prior to the meeting date
  - b. Additional Papers. where possible - 10 Business Days prior to the meeting date
  - c. Final Agenda and Additional Papers – 5 Business Day prior to the meeting date

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- d. Minutes – 5 Business Days after the meeting date (this does not apply to Sub Groups)
5. The iGT UNC Modification Panel will determine the Modifications that will be included on the agenda of the Modification Workstream and the iGT Shipper Work Group.
6. Where a Modification Workstream must consider legal text in support of a Modification, the Code Administrator will use reasonable endeavours to ensure it is provided to iGT UNC Parties with at least 10 Business Days notice.
7. The Code Administrator will take minutes at Modification Work Groups and will release them within 5 Business Days of the meeting date.
8. The Modification Work Groups will always agree the minutes of the previous meeting at the start of each meeting. The Code Administrator will read any comments on the minutes from parties not in attendance.
9. The Code Administrator will report any divergence from these timescales at the next iGT UNC Modification Panel meeting.
10. The Code Administrator will consider whether there is sufficient business to hold a Modification Workstream. If the business is minimal the meeting the Code Administrator may hold a teleconference (or similar) in lieu of a physical meeting. The Code Administrator may also cancel the meeting where there are no Modifications requiring development. The Code Administrator will use their best judgement in these scenarios and will provide parties with a sufficient period of notice for their decision.

#### **Chairmanship of the Modification Workstream**

11. The Code Administrator will always provide chairmanship for the duration of the Modification Workstream.
12. If the Code Administrator cannot chair and/or provide Secretariat Services for a meeting, at short notice, all Users and Operators will receive a notification requesting members of the Modification Workstream take on these roles.

#### **Urgent Modifications**

13. Where an Urgent Modification requires work group assessment, the iGT Modification Panel should, where possible, send it to the next Modification Workstream. If the iGT Shipper Work Group is scheduled to take place sooner than the Modification Workstream and there are sufficient grounds to warrant bringing the assessment forward, it may be sent to the iGT Shipper Work Group for assessment. This decision will be made by the iGT UNC Modification Panel, where a majority decision by Panel members will be required.
14. Where a majority of the iGT UNC Modification Panel agree that an Urgent Modification requires assessment ahead of the next scheduled meetings (Modification Workstream/ iGT Shipper Work Group) it may establish an Ex-Committee Work Group.

#### **Ex-Committee Work Groups**

15. The Ex-Committee Work Group will follow all the rules of the Modification Workstream, except in respect of the Code Administrator being required to circulate a Draft Agenda to iGT Parties 10 Business Days ahead of the meeting date.
16. Where possible, the Ex-Committee Work Group will later be incorporated into a Modification Workstream.
17. An Ex-Committee Work Group may also be set up where the Modification is not an Urgent Modification but the iGT Modification Panel agree that the Modification Workstream and iGT Shipper Work Group cannot deliver the required outcome.

### **Modification Workstream – Sub Groups**

18. Where a Modification Work Group reaches the consensus view that the development of Modification would be assisted by establishment of a Sub Group, it will have the ability to establish such a Sub Group.
19. The Modification Work Group will set the deliverables of the Sub Group
20. The Code Administrator will not provide Chairmanship or Secretariat Services for the Sub Group, except insofar as the Business Rule require it.
21. The Chair of the Sub Group may be any party present at the Modification Work Group. Where no person at the Modification Work Group volunteers to chair the Sub Group then it will be deemed that a Sub Group is not required. Where more than one party wishes to chair the Sub Group it will be for the Modification Work Group to make a consensus decision. Note, consensus is judged by the Chair.
22. The Sub Group Chair will provide the Code Administrator with the Agenda and any relevant Meeting Papers in accordance with the timescales in rule 4.
23. The Code Administrator will provide full assistance to the Sub Group chair in communicating meeting information to iGT-UNC Parties.

### **Existing Modification Work Groups – Prior to XX/XX/XXXX**

24. The Panel will direct all existing Modification Work Groups to be incorporated in the Modification Workstream.

### **Miscellaneous**

25. For the avoidance of doubt, 3<sup>rd</sup> party participants may participate in the development of Modifications in accordance with the existing rules and practice. This modification does not seek to make any changes to the access that 3<sup>rd</sup> parties do or do not have to iGT UNC meetings.

### **Costs of Workstream Meetings and Supporting Services**

26. Costs will be split 50/50 between IGTs and Shippers.
27. The legal text will make reference to IGTs recovering 50% of the costs associated with "Additional Code Administration Services" as set out in the IGT's Transportation Charging Statement.
28. The legal text will set out that the invoicing and payment "Additional Code Administration Services" will be subject to the payment terms outlined in Part G of the IGT UNC.
29. The legal text will set out that costs will be recovered quarterly or at the discretion of the IGT, quarterly billing periods can be aggregated to reduce the administration around invoice production.

## 4. Relevant Objectives

### Impact of the modification on the Relevant Objectives:

Relevant Objective	Identified impact
a) Efficient and economic operation of the pipe-line system.	None
b) Coordinated, efficient and economic operation of (i) the combined pipe-line system, and/ or (ii) the pipe-line system of one or more other relevant gas transporters.	None
c) Efficient discharge of the licensee's obligations.	None
d) Securing of effective competition: (i) between relevant shippers; (ii) between relevant suppliers; and/or (iii) between DN operators (who have entered into transportation arrangements with other relevant gas transporters) and relevant shippers.	None
e) Provision of reasonable economic incentives for relevant suppliers to secure that the domestic customer supply security standards... are satisfied as respects the availability of gas to their domestic customers.	None
f) Promotion of efficiency in the implementation and administration of the Code.	Positive
g) Compliance with the Regulation and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators.	None

The Proposer considers that this Modification would facilitate:

### Objective (f)

Objective (f) is the primary beneficiary of this modification proposal. Efficiency in the implementation of this code will be improved due to the independence of the secretariat and the adherence to CACoP.

## 5. Impacts and Costs

Costs are expected to be in the region of £20,000 - £25,000 per annum. It is proposed that costs of the additional secretariat and chair services outlined in this modification will be shared 50/50 between IGTs and Shippers. IGTs will pay the Code Administrator directly for the additional services outlined in this modification which will be agreed via contract. IGTs will then outline a methodology for the recovery of the Shipper contribution in their respective Transportation Charging Statements. As outlined earlier in this modification, this approach was preferred to Shippers entering into a 3 way contract

with IGTs and the Code Administrator specifically for "Additional Code Administration Services".

Charges will be recovered on a quarterly basis though can be aggregated up and invoiced annually (at the discretion of each iGT) and be subject to the payment terms set out in Part G of the IGT UNC. The proposed methodology for each IGT to recover the Shipper contribution will be set out in each IGT Transportation Charging Statement and will split the Shipper contribution 50/50 with half being charged to each Shipper licence based on the number of supply points calculated as a percentage of the total number of supply points on each IGT portfolio. The number of supply points for each Shipper licence shall be taken on the last working day of the relevant quarterly billing period. Where an IGT decides to aggregate billing periods, the invoice total for each Shipper shall be the total of each of the quarterly totals calculated. For the avoidance of doubt each IGT licence will undertake such calculation.

## 6. Likely Impact on Consumers

None identified.

## 7. Likely Impact on Environment

None identified.

## 8. Implementation

It is proposed that secretariat services are undertaken by the Code Administrator for all current and future modification Work Groups. It is the Proposer's view that a lead time of approximately 3 months following Authority consent would permit the relevant service contracts between iGTs and the Code Administrator to be agreed for the additional secretariat services. This time should also allow for the recruitment, if required, of additional resource by the Code Administrator in meeting their new requirements.

## 9. Legal Text

Not produced.

## 10. Recommendation

The Proposer invites the Panel to:

- **Consider that the changes to this version of the Modification Proposal are immaterial.**

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## 11. Appendix A – Number of Work Group Meeting

Table 1 – Number of Work Group meetings held for iGT Modifications 0030 to 0060.

Modification	Raised date	No of Meetings	Comment
30	04/08/2010	-	
31	04/08/2010	0	
32	24/09/2010	0	
33	03/02/2011	0	Withdrawn (before progressed)
34	02/03/2011	0	
35	02/03/2011	1	Withdrawn
36	08/03/2011	0	Withdrawn (before progressed)
37	28/07/2011	0	
38	28/07/2011	7	
39	01/08/2011	21	<b>Ongoing 2011 to 2014</b>
40	03/08/2011	0	
41	09/09/2011	3	
42	09/11/2011	0	
43	07/12/2011	0	
44	07/12/2011	0	
45	01/02/2012	0	
46	01/02/2012	3	
47	??/06/2012	8	
48	??/06/2012	0	
49	27/09/2012	0	
50	18/12/2012	12	*
51	08/01/2013	0	
52	05/06/2013	1	
53	03/07/2013	5	
54	05/07/2013	5	
55	04/09/2013	0	
56	03/10/2013	5	<b>Ongoing 2011 to 2014</b>
57	02/12/2013	0	
58	08/01/2014	0	
59	09/01/2014	3	
60	03/02/2014	0	
<b>Total</b>	42 months	74	

\*Including Operational Metering Communications Group

Table 2

Increase in number of meetings	
% of Mods progressed through DG (2011)	40%
% of Mods progressed through DG (2012)	50%
% of Mods progressed through DG (2013)	57%

### 1) Sub Group Terms of Reference

The use of this standard Terms of Reference pro-forma for Sub Groups will support their ability to work efficiently and effectively in aiding the assessment of modifications. The content of this pro forma must be used, however the proposer suggests the Code Administrator provides a set format. A copy of this Sub Group Terms of Reference pro forma should always be accessible via the Code Administrator

Sub Group Terms of Reference

[Title of Modification]

Date of Modification Workstream: [xx/xx/xxx]\*

\*This is the date of the Modification Workstream that agreed a Sub Group is required.

Objective(s) of Sub Group: [...]

Date for Submission of Sub Group Report: [xx/xx/xxx]

### 2) Sub Group Report

Sub Group Terms of Reference

[Title of Modification]

Number of times the Sub Group met: [x]

The Objective(s) the Sub Group: [...]\*

Objective(s) the Sub Group did not meet: [...]\*

\*Refers only to the Objectives set on the Terms of Reference

Output: (including but not limited to),

[Proposed solution, details of analysis, key issues, areas where the group could not agree and the reasons thereof.]

Persons (and their organisations) who attending some or all of the Sub Group meeting(s) [...]

Date for Submission of Sub Group Report: [xx/xx/xxx]