

# Report by PTL on Application for Change CMR001

## Introduction

Premier Transmission Limited (PTL) has prepared this report in accordance with section 12 of its Transportation Code Modification Rules.

The proposed changes to these Transportation Code Modification Rules arise from new Licence requirements relating to the Network Code (Standard Condition 2A.7). In particular, there is the need to consult all other Designated Pipeline Operators (DPOs) and postalised system Gas Suppliers. The modification addresses too the change in name of the Director General for Gas for Northern Ireland to the Northern Ireland Authority for Energy Regulation. The opportunity has also been taken to correct minor drafting or typographical errors. The Application for Change, which has been amended to include Phoenix's drafting changes, and the comments received are attached and are also available on [www.premier-transmission.com](http://www.premier-transmission.com) (Code Modifications).

## Premier Transmission's Opinion

PTL supports the proposal outlined in Application for change CMR001. The changes reflect text enhancements which will aid understanding and facilitate the implementation of postalisation.

## Third Party Representations Made

PTL has received two responses on the Application for Change from BGE and Phoenix. Phoenix made a number of drafting recommendations which PTL agree enhance the drafting and these have been incorporated in to the final text. The other comments by BGE and Phoenix are reviewed below. PTL's response is given in italics.

BGE comments:

### 1) Section 1.3

BGE note that this section refers to making a modification in accordance with Condition 2.3.6(b) of the PTL Licence – this is Condition 2.4.6(b) in the BGE Licence.

We assume that there will be minor modifications to each DPO's Code Modification rules to reflect such differences.

*This is PTL's understanding.*

### 2) Section 2.6

BGE note the update to section 2.6 to comply with the Energy Order.

BGE request clarification on how prescriptive the Energy Order is on the exact mechanism for publication and circulation of Code Modifications. BGE recommend that Code Modifications be published on the DPO's (and also possibly the NIAER) website. BGE suggest that the Transporters notify Shippers of updates to the Code Modification Section of their website by e-mail (or fax) to PS Gas Suppliers.

BGE has, in co-operation with the other DPOs, drawn up a contact information matrix of PS Gas Suppliers and DPO's. This would facilitate the receipt of notices by fax and/or e-mail. Electronic publication of Code Modifications and notifications to Shippers in Northern Ireland would be consistent with current practice for Transportation Codes in other jurisdictions, including the ROI

and the U.K. We suggest that this section be re-drafted to reflect this, if it is agreeable to the Authority and the other Transporters.

*PTL does not disagree in principle to this suggestion. However, the principal purpose of this Application for Change is to reflect the change in PTL's Standard Licence Conditions and the change in name of Ofreg to NIAER, together with minor drafting changes which either correct typographical errors or which aid in clarifying text. Since this is a more substantive point which has not been out to consultation, it is suggested that this be the subject of a separate Application for Change.*

3) Appendix

(i) We note that the definitions of 'Licence', 'Shipper' and 'Transportation Code' refer only to Premier Transmission.

(ii) We note also that while the definition of 'relevant objective' in the Appendix has been amended to include Standard Condition 2A.7.2, it also refers to Licence Condition 2.3.1. This is Condition 2.4.1 in the BGE Licence.

We assume that each DPO's Code Modification rules will reflect differences between the DPO's Licence and the PTL Licence.

*This is PTL's understanding.*

Phoenix comments:

1) Section 1.4

How are parties other than Premier Transmission, which is bound under the terms of its licence, bound to follow the Modification Rules?

*Other DPOs will be similarly bound by the terms of their licences. Since they and PTL will be the ones implementing the change mechanism in their respective codes, other parties will need to comply with the modification rules if they wish to push through changes.*

2) Section 2.3

Phoenix believe that PTL should also consider any impact proposed modifications may have on Distribution Networks in Northern Ireland in addition to the impact on designated pipeline operators.

*This is not a requirement of any of PTL's Standard Conditions.*

3) Section 2.5

Should any proposed modification not always be in accordance with paragraph 2.2?

*Yes. Otherwise the DPOs will not start the modification process.*

4) Section 2.6 (c)

Who determines when this is necessary? Is this at the sole discretion of PTL?

*This will be at the discretion of the relevant DPO. PTL in practice publish all modification proposals and correspondence on its website for interested parties to view.*

5) Section 10.2 (a)

Should this be the Authority's reasons and not PTL's reasons?

*In practice, the DPO (in this case PTL) will be implementing the Alternative Procedure on behalf of NIAER.*

6) Section 10.6

Should this be a reference to the document issued in accordance with 5.10.2 or the Alternative Procedure issued in accordance with 5.10.5?

*PTL believe that these references should be to sections 10.2 and 10.5 respectively. The Consultee would request a Preliminary View on the document issued in accordance with 10.2.*

**Likely Implementation Date**

PTL suggests that the proposed implementation date is the 1<sup>st</sup> April 2005 or 10 working days after NIAER approve the change, whichever is the later.

**Conclusion**

PTL supports the Application for Change.

## Application for Change

### Proposed Change to the Transportation Code Modification Rules

CMR001

#### Proposer

Premier Transmission Limited.

#### Proposer's Representative

Kevin Chapman

#### Date

8<sup>th</sup> February 2005

#### Proposed Implementation date

1<sup>st</sup> April 2005

#### Description of the objective of the proposed change

The proposed changes to these Transportation Code Modification Rules arise from new Licence requirements relating to the Network Code (Standard Condition 2A.7). In particular, there is the need to consult all other Designated Pipeline Operators and postalised system Gas Suppliers. The modification also addresses the change in name of the Director General for Gas for Northern Ireland to the Northern Ireland Authority for Energy Regulation.

A marked up version of the proposed changes to the Transportation Code Modification Rules is attached to this application to aid clarity. Where changes have been made to the Code Modification Rules, these are reviewed below as they apply to each section, other than the Table of Contents. It should be noted that the Table of Contents will also have been amended to reflect these changes as necessary.

Section	Old wording	Revised Wording	Reason for Change
1.1	Premier Transmission is required by Condition 2.3.4 of the Licence to establish and implement procedures for the modification of the Transportation Code so as to, inter alia, better facilitate the achievement of the relevant objective.	Premier Transmission is required by Condition 2.3.4 of the Licence to establish and implement procedures for the modification of the Transportation Code so as to, inter alia, better facilitate the achievement of the relevant objective, <u>subject to the additional obligations imposed by Standard Condition 2A.7.</u>	Energy Order requirement.
1.2	Premier Transmission is required, pursuant to Condition 2.3.5 of the Licence, to prepare a document, referred to in the Licence as "the	Premier Transmission is required, pursuant to Condition 2.3.5 of the Licence, to prepare a document, referred to in the Licence as "the	Energy Order requirement.

Section	Old wording	Revised Wording	Reason for Change
	modification Rules”, setting out the procedures for the modification of the Transportation Code. This document comprises the modification rules for the purposes of the Licence (these “Rules”). It also contains rules for changing these Rules.	modification Rules”, setting out the procedures for the modification of the Transportation Code- <a href="#">subject to the additional obligations imposed by Standard Condition 2A.7.</a> This document comprises the modification rules for the purposes of the Licence (these “Rules”). It also contains rules for changing these Rules.	
1.3	Any modification to the Transportation Code shall be made in accordance with these Rules.	Any modification to the Transportation Code shall be made in accordance with these Rules- <a href="#">or Condition 2.3.6(b) of the Licence.</a>	To reflect the Licence.
1.4	These Rules do not constitute part of the Transportation Code.	These Rules <a href="#">are</a> not part of the Transportation Code.	Phoenix drafting recommendation.
2	<b>Modification Proposal</b>	<a href="#">Proposed Modification</a>	Heading clarification.
2.1	The Director, Premier Transmission, and any Gas Supplier or Shipper may propose a modification to the Transportation Code (a “ <b>Proposed Modification</b> ”).	The <a href="#">Authority</a> , Premier Transmission, and any Gas Supplier or Shipper may propose a modification to the Transportation Code (a “ <b>Proposed Modification</b> ”).	Change of name.
2.2	A Proposed Modification shall either be prepared and submitted by the Director, a Gas Supplier or a Shipper to Premier Transmission or be prepared by Premier Transmission (as the case may be) and include the following:	A Proposed Modification shall either be prepared and submitted by the <a href="#">Authority</a> , a Gas Supplier or a Shipper or be prepared by Premier Transmission and include the following:	Change of name and text clarification.
2.2 (c)	a list of all the sections and parts of the Transportation Code that would require amending;	a list of all the sections and parts of the Transportation Code that would require amending <a href="#">or a comparison of any text proposed for the Transportation Code with the relevant text of the existing Transportation Code; and</a>	This will make it easier for all parties to understand the proposed change.
2.2 (e)	any proposed text amending the Transportation Code.		Text deleted. Intent now covered by 2.2 (c).
2.3	Premier Transmission shall give each Proposed	<a href="#">If Premier Transmission prepares a Proposed</a>	New section 2.3 inserted to meet

Section	Old wording	Revised Wording	Reason for Change
	Modification a unique reference number.	<a href="#"><u>Modification, Premier Transmission shall have regard to the impact that such modification might have on the operation of any other Designated Pipe-line Operator's network code.</u></a>	Energy Order requirement.  Old section 2.3 now becomes 2.4 (no changes to drafting of the section).
2.4	Premier Transmission may, from time to time, determine, in its reasonable judgement, the form that a Proposed Modification should take.	Premier Transmission shall give each Proposed Modification a unique reference number.	Old section 2.3 now becomes 2.4 (no changes to drafting of the section).  Old section 2.4 now becomes 2.5 (no changes to drafting of the section).
2.5	Premier Transmission shall; (a) forward any Proposed Modification to the Gas Suppliers and the Shippers  (b) forward any Proposed Modification to anyone who requests it;  (c) make any Proposed Modification otherwise available to persons in an appropriate manner where it is necessary for establishing whether the proposal would better facilitate the achievement of the relevant objective.  (collectively the " <b>Consultees</b> ") it being acknowledged that (b) and (c) above shall be achieved by publishing the Proposed Modification on a Premier Transmission website.	Premier Transmission may, from time to time, determine, in its reasonable judgement, the form that a Proposed Modification should take.	Old section 2.4 now becomes 2.5 (no changes to drafting of the section).  Old section 2.5 now becomes 2.6.
2.6	Premier Transmission shall, within 5 business days of the submission of a Proposed Modification	Premier Transmission shall; (a) forward any Proposed Modification to	Old section 2.5 now becomes 2.6.  Changes to new

Section	Old wording	Revised Wording	Reason for Change
	to it, or in the case of a Proposed Modification proposed by Premier Transmission as soon as possible after preparing the same, forward the Proposed Modification to the Consultees.	<p>the <u>PS Gas Suppliers, the Shippers and all other Designated Pipeline Operators</u>;</p> <p>(b) forward any Proposed Modification to anyone who requests it;</p> <p>(c) make any Proposed Modification otherwise available to persons in an appropriate manner where it is necessary for establishing whether the proposal would better facilitate the achievement of the relevant objective. (collectively the <b>“Consultees”</b>).</p>	<p>section 2.6 required by Energy Order. This says that proposed modifications go to all DPOs.</p> <p>New section 13.4 covers the deleted wording covering Premier Transmission’s right to publish the proposed modification on its website (to parties who are not a PS Gas Supplier, a Shipper or a Designated Pipeline Operator).</p> <p>Old section 2.6 now becomes 2.7 (no changes to drafting of the section).</p>
2.7	Any person who has submitted a Proposed Modification may at any time, up to the submission of a Final Modification Report to the Director, request Premier Transmission to withdraw its Proposed Modification from the process described in these Rules. Premier Transmission shall withdraw the Proposed Modification unless, in the opinion or Premier Transmission, making the modification proposed would better facilitate the achievement of the relevant objective in which case Premier Transmission shall become the Proposer.	Premier Transmission shall, within 5 business days of the submission of a Proposed Modification to it, or in the case of a Proposed Modification proposed by Premier Transmission as soon as possible after preparing the same, forward the Proposed Modification to the Consultees.	<p>Old section 2.6 now becomes 2.7 (no changes to drafting of the section).</p> <p>Old section 2.7 now becomes 2.8.</p>
2.8		Any person who has submitted a Proposed Modification may at any time, up to the submission of a Final Modification Report to the <u>Authority</u> , request Premier	<p>Old section 2.7 now becomes 2.8.</p> <p>This has been amended to reflect the change in name and also text</p>

Section	Old wording	Revised Wording	Reason for Change
		Transmission to withdraw its Proposed Modification from the <a href="#">modification</a> process described in these Rules. Premier Transmission shall withdraw the Proposed Modification unless, in the opinion of Premier Transmission, making the modification proposed would better facilitate the achievement of the relevant objective in which case Premier Transmission shall become the <a href="#">proposer of such modification</a> .	clarification (including a drafting suggestion from Phoenix).
3.1 (c)	Without prejudice to sections 8.1(d) and (g), Premier Transmission's estimate of an implementation date if the Modification Proposal were to be approved by the Director pursuant to section 9.	Without prejudice to sections <a href="#">8.3</a> (d) and (g), Premier Transmission's estimate of an implementation date if the <a href="#">Proposed</a> Modification were to be approved by the <a href="#">Authority</a> pursuant to section 9.	Change in name and also text clarification.
3.2	<b>Premier Transmission shall, subject to section 4.1 (a), issue an Initial Modification Report to the Consultees within 25 business days of receiving a Proposed Modification.</b>	<a href="#">In preparing an Initial Modification Report, Premier Transmission shall have regard to the impact that such modification might have on the operation of any other Designated Pipe-line Operator's network code.</a>	New clause 3.2 inserted to meet Energy Order requirement.  Old clause 3.2 now becomes new clause 3.3 (no changes to drafting of the clause).
3.3		<b>Premier Transmission shall, subject to section 4.1 (a), issue an Initial Modification Report to the Consultees within 25 business days of receiving a Proposed Modification.</b>	Old clause 3.2 now becomes new clause 3.3 (no changes to drafting of the clause).
4	<b>Preliminary View</b>	<b>Preliminary <a href="#">Determination</a></b>	Heading clarification.
4.1	Premier Transmission or any Consultee may, before an Initial Modification Report is issued, seek the preliminary view of the Director in relation to any matter arising in respect	Premier Transmission or any Consultee may, before an Initial Modification Report is issued, <a href="#">or if it is issued, before the expiry of the Consultation Period,</a> seek the preliminary view of the	Change in name.  The change has been made to reflect comments made by a Shipper in relation to the Code modification



Section	Old wording	Revised Wording	Reason for Change
	<p>of any Proposed Modification, in accordance with this section 4, (a <b>“Preliminary View”</b>) including as to whether:</p> <p>(a) the matter is sufficiently urgent to justify adopting a procedure which may result in the implementation of a Proposed Modification earlier than by following the procedure set out in these Rules;</p> <p>(b) the Proposed Modification should be considered in an Alternative Procedure in accordance with section 10;</p> <p>(c) any Alternative Procedure issued by Premier Transmission in accordance with section 10.7 should be adopted;</p> <p>(d) the Proposed Modification should be rejected without further consultation;</p> <p>(e) a meeting of Consultees shall be held in accordance with section 6.</p>	<p><a href="#">Authority</a> in relation to any matter arising in respect of any Proposed Modification, in accordance with this section 4, (a <b>“Preliminary Determination”</b>) including as to whether:</p> <p>(a) the Proposed Modification should be considered in an Alternative Procedure in accordance with section 10;</p> <p>(b) any Alternative Procedure issued by Premier Transmission in accordance with section 10.7 should be adopted;</p> <p>(c) the Proposed Modification should be rejected without further consultation;</p> <p>(d) a meeting of <a href="#">interested</a> Consultees shall be held in accordance with section <a href="#">6</a>;</p> <p>(e) <a href="#">it is appropriate for Premier Transmission to prepare a report relating to the modification of the Transportation Code jointly with the other Designated Pipeline Operator's.</a></p>	<p>process.</p> <p>Text clarification.</p>
4.2	<p>Premier Transmission shall notify the Consultees and any Consultee shall notify Premier Transmission that it has sought a Preliminary View setting out the matter on which the Director's view is</p>	<p>Premier Transmission shall notify the Consultees and any Consultee shall notify Premier Transmission that it has sought a Preliminary <a href="#">Determination</a> setting out the matter on which the <a href="#">Authority</a>'s view is being</p>	<p>Change in name.</p> <p>Text clarification.</p>

Section	Old wording	Revised Wording	Reason for Change
	being sought and its reasons for doing so.	sought and its reasons for doing so.	
4.3	Premier Transmission and each Consultee shall be bound by the Director's Preliminary View in relation to any Proposed Modification.	Premier Transmission and each Consultee shall, <a href="#">notwithstanding any other provision of these Rules</a> , be bound by the <a href="#">Authority's Preliminary Determination</a> in relation to any Proposed Modification.	Change in name. Text clarification.
6.1	Any Consultee may request Premier Transmission to facilitate a meeting of Consultees to discuss a Modification Proposal where it considers it appropriate. If Premier Transmission does not consider one appropriate such Consultee may request a Preliminary View in relation to whether a meeting shall be held in accordance with section 4.1 (e)	Any Consultee may request Premier Transmission to facilitate a meeting of <a href="#">interested Consultees</a> to discuss a <a href="#">Proposed</a> Modification where it considers it appropriate. If Premier Transmission does not consider one appropriate such Consultee may request a <a href="#">Preliminary Determination</a> in relation to whether a meeting shall be held in accordance with section 4.1 (d)	Text clarification.
6.2		<a href="#">Premier Transmission may elect to facilitate a meeting of interested Consultees to discuss a Proposed Modification where it considers such meeting appropriate</a>	New clause. Gives Premier Transmission the right to call this meeting, not just Consultees. Includes a drafting suggestion from Phoenix.
7.1	Where, following the Consultation Period, amendments should, in the opinion of Premier Transmission, be made to the Modification Proposal which will not change the aim stated in the Modification Proposal, such changes may be incorporated into the proposed wording contained in the Final Modification Report. Premier Transmission or any Consultee may propose any such amendments.	Where, following the Consultation Period, amendments should, in the opinion of Premier Transmission, be made to the <a href="#">Proposed</a> Modification which will not change the aim stated in the <a href="#">Proposed</a> Modification, such changes may be incorporated into the proposed wording contained in the Final Modification Report <a href="#">by Premier Transmission</a> . Premier Transmission or any Consultee may propose any such amendments.	Text clarification.
7.2	Where, following the Consultation Period, amendments should, in	Where, following the Consultation Period, amendments should, in	Text clarification. Includes a Phoenix drafting suggestion.

Section	Old wording	Revised Wording	Reason for Change
	<p>the opinion of Premier Transmission, be made to the Proposed Modification which will change the aim stated in the Proposed Modification, an alternative Proposed Modification will be issued for consultation containing such amendments (an <b>“Alternative Proposed Modification”</b>). Such alternative will be issued to the Consultees within 10 business days of the end of the Consultation Period for the first Modification Proposal. The Consultees will have 10 business days to respond to such alternative.</p>	<p>the opinion of Premier Transmission, be made to the Proposed Modification which will change the aim stated in the Proposed Modification, an alternative Proposed Modification will be issued <u>by Premier Transmission</u> for consultation containing such amendments (an <b>“Alternative Proposed Modification”</b>). Such alternative will be issued to the Consultees within 10 business days <u>after</u> the end of the Consultation Period for the first <u>Proposed</u> Modification. The Consultees will have 10 business days to respond to such alternative.</p>	
7.3		<p><u>If Premier Transmission prepares an Alternative Proposed Modification, Premier Transmission shall have regard to the impact that such modification might have on the operation of any other Designated Pipeline Operator's network code.</u></p>	<p>New clause. Energy Order requirement.</p>
8.1	<p>Subject to section 7.2 Premier Transmission will compile and submit a final modification report (a <b>“Final Modification Report”</b>) to the Director within 20 business days after the end of the Consultation Period.</p>	<p>Subject to section 7.2 Premier Transmission will compile and submit a final modification report (a <b>“Final Modification Report”</b>) to the <u>Authority</u> within 20 business days after the end of the Consultation Period.</p>	<p>Name change.</p>
8.2	<p>If an Alternative Proposed Modification is prepared Premier Transmission will compile and submit a Final Modification Report to the Director in respect of the original Proposed Modification and the Alternative Proposed Modification, within 15 business days after the end of the Consultation</p>	<p>If an Alternative Proposed Modification is prepared Premier Transmission will compile and submit a Final Modification Report to the <u>Authority</u> in respect of the original Proposed Modification and the Alternative Proposed Modification, within 15 business days after the end of the <u>consultation period</u> for the Alternative</p>	<p>Name change and text clarification.</p>

Section	Old wording	Revised Wording	Reason for Change
	Period for the Alternative Proposed Modification.	Proposed Modification.	
8.3	<p>The Final Modification Report or (in the case of an Alternative Proposed Modification) both Final Modification Reports will contain:</p> <p>(a) any proposed text amending the Transportation Code;</p> <p>(b) an indication of how the modification would better facilitate the relevant objective as compared with the existing provisions of the Transportation Code;</p> <p>(c) the particulars of any representations or objections made (and not withdrawn) by any Gas Supplier or Shipper and other person who is likely to be materially affected by the Proposed Modification and an explanation of how those representations or objections have been addressed;</p> <p>(d) Premier Transmission's recommendation of whether the Proposed Modification should—or should not be made;</p> <p>(e) the factors which, in Premier Transmission's opinion, justify making or not making a Proposed Modification;</p> <p>(f) details of any amendment made in accordance with section 7.1 together with an explanation of why, in the opinion of Premier Transmission, the</p>	<p>The Final Modification Report or (in the case of an Alternative Proposed Modification) both Final Modification Reports will contain:</p> <p>(a) any proposed text amending the Transportation Code;</p> <p>(b) an indication of how the modification would better facilitate the relevant objective as compared with the existing provisions of the Transportation Code;</p> <p>(c) the particulars of any representations or objections made (and not withdrawn) by <u>any Consultee</u> and an explanation of how <u>such</u> representations or objections have been addressed;</p> <p>(d) Premier Transmission's recommendation of whether <u>or not</u> the Proposed Modification <u>(or, in the case of an Alternative Proposed Modification, the Alternative Proposed Modification)</u> should be made;</p> <p>(e) the factors which, in Premier Transmission's opinion, justify making or not making a Proposed Modification; <u>(or, in the case of an Alternative Proposed Modification, the Alternative Proposed Modification)</u>;</p> <p>(f) details of any amendment made in</p>	Text clarification. Includes a Phoenix drafting suggestion.

Section	Old wording	Revised Wording	Reason for Change
	<p>amendment should be made; and</p> <p>(g) the date proposed for the implementation of the Proposed Modification and any end date having regard to any system or procedural changes that may be necessary as a result of the modification. If such proposed date is different to that estimated by Premier Transmission pursuant to section 3.1(c), Premier Transmission will ensure that before completing the Final Modification Report Consultees will have been given a further opportunity to comment on Premier Transmission's latest proposed implementation date and will include in the Final Modification Report any views on implementation dates expressed by Consultees that differ to that proposed by Premier Transmission.</p>	<p>accordance with section 7.1 together with an explanation of why, in the opinion of Premier Transmission, the amendment should be made; and</p> <p>(g) the date proposed for the implementation of the Proposed Modification and any end date having regard to any system or procedural changes that may be necessary as a result of the modification. If such proposed date is different to that estimated by Premier Transmission pursuant to section 3.1(c), Premier Transmission will ensure that before completing the Final Modification Report Consultees will have been given a further opportunity to comment on Premier Transmission's latest proposed implementation date and will include in the Final Modification Report any views on implementation dates expressed by Consultees that differ to that proposed by Premier Transmission.</p>	
8.4		<p><u>In preparing a Final Modification Report, Premier Transmission shall have regard to the impact that such modification might have on the operation of any other Designated Pipeline Operator's network code.</u></p>	<p>New clause. Energy Order requirement.</p>
9.1	<p>The Director shall, after having received any Final Modification Report in relation to:</p> <p>(a) a Proposed Modification, determine whether it will, in the opinion of the</p>	<p>The <u>Authority</u> shall, after having received any Final Modification Report in relation to:</p> <p>(a) a Proposed Modification, determine whether <u>the modification</u> will,</p>	<p>Name change. Includes Phoenix drafting suggestions.</p>

Section	Old wording	Revised Wording	Reason for Change
	<p>Director, as compared to the existing provisions of the Transportation Code better facilitate the achievement of the relevant objective;</p> <p>(b) a Proposed Modification and an Alternative Proposed Modification, determine whether either of, or which of, such proposals will, in the opinion of the Director, as compared to the existing provisions of the Transportation Code better facilitate the achievement of the relevant objective</p> <p>and inform Premier Transmission of its determination.</p>	<p>in the opinion of the <a href="#">Authority</a>, as compared to the existing provisions of the Transportation Code better facilitate the achievement of the relevant objective;</p> <p>(b) a Proposed Modification and an Alternative Proposed Modification, determine <a href="#">which</a> proposals <a href="#">(if any)</a> will, in the opinion of the <a href="#">Authority</a>, as compared to the existing provisions of the Transportation Code better facilitate the achievement of the relevant objective;</p> <p>and inform Premier Transmission of its determination.</p>	
9.2	<p>If the Director's determination is that it, or one of such proposals (as appropriate) will so facilitate such objective the Director shall direct Premier Transmission to implement the Proposed Modification or Alternative Proposed Modification (as appropriate) on the date proposed for its implementation in the Final Modification Report or such other date as the Director requires.</p>	<p>If the <a href="#">Authority</a>'s determination is that it, or one of such proposals (as appropriate) will so facilitate such objective the <a href="#">Authority</a> shall direct Premier Transmission to implement the Proposed Modification or Alternative Proposed Modification (as appropriate) on the date proposed for its implementation in the Final Modification Report or such other date as the <a href="#">Authority</a> requires.</p>	Name change.
9.3	<p>Premier Transmission shall comply with any direction given by the Director to make a modification to the Transportation Code in</p>	<p>Premier Transmission shall comply with any direction given by the <a href="#">Authority</a> to make a modification to the Transportation Code in</p>	Name change.

Section	Old wording	Revised Wording	Reason for Change
	accordance with a Final Modification Report.	accordance with a Final Modification Report.	
9.4	Transmission shall promptly: (a) notify the Gas Suppliers and the Shippers and any other <del>Consultees</del> of any determination of the Director in relation to the implementation of a Proposed Modification or Alternative Proposed Modification (as appropriate); and (b) provide a copy of any modification to the Transportation Code to the Director and the Gas Suppliers and Shippers and to any other Consultees.	Transmission shall promptly: (a) notify the Consultees of any determination of the <a href="#">Authority</a> in relation to the implementation of a Proposed Modification or Alternative Proposed Modification (as appropriate); and (b) provide a copy of any modification to the Transportation Code to the <a href="#">Authority</a> and the <del>Consultees</del> .	Name change and text clarification.
10.1	Premier Transmission may, if it considers that any Proposed Modification would make such a significant change to the Transportation Code that the procedure set out in sections 2, 3 and 5 is not adequate to allow the Proposed Modification to be properly considered, request a Preliminary View as to whether an alternative procedure should be adopted in relation to it (an <b>“Alternative Procedure”</b> ) <a href="#">in</a> accordance with section 4.1 (b).	Premier Transmission may, if it considers that any Proposed Modification would make such a significant change to the Transportation Code that the procedure <a href="#">given to it</a> in sections 2, 3 and 5 is not adequate to allow the Proposed Modification to be properly considered, request a Preliminary <a href="#">Determination</a> as to whether an alternative procedure should be adopted in relation to it (an <b>“Alternative Procedure”</b> ).	Text clarification. Includes a Phoenix drafting suggestion.
10.2 (1 <sup>st</sup> Para)	the Director’s Preliminary View is that an Alternative Procedure should be adopted Premier Transmission shall prepare a document setting out:	the <a href="#">Authority</a> ’s Preliminary <a href="#">Determination</a> is that an Alternative Procedure should be adopted Premier Transmission shall prepare a document setting out:	Name change and text clarification.
10.2 (b)	an outline of the proposed Alternative Procedure including a proposed timetable but	an outline of the proposed Alternative Procedure including a proposed timetable which shall	Phoenix drafting suggestion.

Section	Old wording	Revised Wording	Reason for Change
	which shall provide each Consultee with not less than the Consultation Period in which to comment;	provide each Consultee with <a href="#">a time period of</a> not less than the Consultation Period in which to comment;	
10.4	A Consultee may, within 15 business days of the date that the Alternative Procedure was issued, submit to Premier Transmission any comments it may have on the Alternative Procedure including its availability to attend any meeting proposed in the procedure	A Consultee may, within 15 business days <a href="#">after</a> the date that the Alternative Procedure was issued, submit to Premier Transmission any comments it may have on the Alternative Procedure including its availability to attend any meeting proposed in the procedure.	Phoenix drafting suggestion.
10.5	Premier Transmission shall within 25 business days from the date that the Alternative Procedure was issued, finalise and issue to the Consultees, the Alternative Procedure which shall, subject to section 10.6, be adopted and followed.	Premier Transmission shall within 25 business days from the date that the <a href="#">document</a> was issued <a href="#">in accordance with Section 10.2</a> , finalise and issue to the Consultees, the Alternative Procedure which shall, subject to section 10.6, be adopted and followed.	Phoenix drafting suggestion.
10.6	A Consultee may, within 10 business days of the date that the Alternative Procedure was issued, request a Preliminary View as to whether the Alternative Procedure proposed should be adopted in accordance with section 4.1 (c).	A Consultee may, within 10 business days <a href="#">from</a> the date that the Alternative Procedure was issued, request a Preliminary <a href="#">Determination</a> as to whether the Alternative Procedure proposed should be adopted in accordance with section 4.1 (c).	Text clarification. Includes a Phoenix drafting suggestion.
10.7	Premier Transmission may, at any time, amend the Alternative Procedure with the consent of the Director or the unanimous agreement of the Gas Suppliers and the Shippers.	Premier Transmission may, at any time, amend the Alternative Procedure with the consent of the <a href="#">Authority</a> or the unanimous agreement of the <a href="#">PS</a> Gas Suppliers, the Shippers <a href="#">and all other Designated Pipeline Operators</a> .	Name change and Energy Order requirement.
11	<b>Extensions</b>	<a href="#">Revision of timescales</a>	Heading clarification.
11.1	Premier Transmission or any Consultee may, at any time, make a request to the Director for approval of an extension to the time scales outlined in these Rules.	Premier Transmission or any Consultee may, at any time, request <a href="#">the Authority to approve the increase or reduction of any of</a> the time scales outlined in these Rules.	Name change and text clarification.



Section	Old wording	Revised Wording	Reason for Change
	Where the Director has approved such a request,		
11.2	Premier Transmission shall inform the Consultees of the revised time scales.	<u>Premier Transmission and each Consultee shall, notwithstanding any other provision of these Rules, be bound by the Authority's determination of whether such an increase or reduction of time scales shall be made.</u> Premier Transmission shall inform the Consultees of <u>such determination by the Authority.</u>	Text clarification.
12.2 (1 <sup>st</sup> para)	Premier Transmission, the Gas Suppliers and the Shippers may propose to <del>amend</del> these Rules by preparing an <b>"Application for Change"</b> which will include;	Premier Transmission, the Gas Suppliers and the Shippers may propose <u>an amendment</u> to these Rules by preparing an <b>"Application for Change"</b> which will include;	Text clarification.
12.2.(a)	the proposed change including the proposed text;	the proposed change including the proposed text <u>to be inserted into these Rules;</u>	Phoenix drafting suggestion.
12.3	Premier Transmission shall forward any Application for Change to the Gas Suppliers <del>and</del> the Shippers inviting their comments on it. Any such comments must be made within 15 business days of the date the Application for Change was forwarded or any such shorter period as Premier Transmission may have requested the Director to approve and the Director shall have so approved.	Premier Transmission shall forward any Application for Change to the <u>PS</u> Gas Suppliers, the Shippers <u>and the other Designated Pipe-line Operators</u> inviting their comments on it. Any such comments must be made within 15 business days of the date the Application for Change was forwarded or any such shorter period as Premier Transmission may have requested the <u>Authority</u> to approve and the <u>Authority</u> shall have so approved.	Name change and Energy Order requirement.
12.4 (b)	any such comments on it as the Gas Suppliers and the Shippers shall have made;	any such comments on it as the <u>PS</u> Gas Suppliers, the Shippers <u>and the other Designated Pipe-line Operators</u> shall have made;	Energy Order requirement.
12.4 (c)	Premier Transmission's views on such comments and where it was submitted by a Gas	Premier Transmission's views on such comments and where it was submitted by a <u>PS</u> Gas	Energy Order requirement.

Section	Old wording	Revised Wording	Reason for Change
	Supplier or a Shipper the Application for Change;	Supplier, a Shipper, <u>or another Designated Pipe-line Operator</u> the Application for Change;	
12.5	If the Director approves the change to these Rules proposed in such report Premier Transmission shall provide the Gas Suppliers and the Shippers with 5 business days notice of the implementation of such change.	If the <u>Authority</u> approves the change to these Rules proposed in such report Premier Transmission shall provide the <u>PS Gas Suppliers, the Shippers and the other Designated Pipe-line Operators</u> with 5 business days notice of the implementation of such change.	Name change and Energy Order requirement.
13.1 (a)	in writing and may be delivered by hand to the addressee, or sent by first class prepaid letter, to the address of the addressee or sent by fax to the addressee's fax transmission number specified in writing by the addressee or such other address or number as may be notified by a person from time to time in writing for this purpose; and	in writing and may be <u>(i)</u> delivered by hand to the addressee <u>(ii)</u> sent by first class prepaid letter, to the address of the addressee <u>(iii)</u> sent by fax to the addressee's fax transmission number specified in writing by the addressee or such other address or number as may be notified by a person from time to time in writing for this purpose; <u>or (iv) sent by email to an email address specified in writing by the addressee or such other address or number as may be notified by a person from time to time in writing for this purpose;</u> and	Notifications under these Rules can now be made by e-mail.
13.1 (b)	deemed to have been given or made and delivered, if by hand, when left at the relevant address, if by letter, on the second day after posting, and if by fax transmission between the hours of 09:00 and 17:00 on Monday to Thursday and between the hours of 09:00 and 16:00 on Friday, at the time of receipt by the sender of confirmation of transmission and otherwise at 09:00 on the next business day after transmission;	deemed to have been given or made and delivered <u>(i)</u> if by hand, when left at the relevant address; <u>(ii)</u> if by letter, on the second day after posting; <u>(iii)</u> if by fax transmission between the hours of 09:00 and 17:00 on Monday to Thursday and between the hours of 09:00 and 16:00 on Friday, at the time of receipt by the sender of confirmation of transmission <u>and otherwise at 09:00 on the next business day after transmission;</u> and <u>(iv) if by email between the hours</u>	Requirement arising from postalisation of tariffs.

Section	Old wording	Revised Wording	Reason for Change
		<u>of 09:00 and 17:00 on Monday to Thursday and between the hours of 09:00 and 16:00 on Friday, at the time of receipt by the sender of confirmation of receipt</u> and otherwise at 09:00 on the next business day after transmission;	
13.4		<u>Notwithstanding any other term of these Rules any requirement which Premier Transmission has to issue, forward or otherwise provide any notice, report, document or other communication to the persons referred to in section 2.6(b) or (c) shall be satisfied by Premier Transmission publishing the communication on its website.</u>	Last paragraph of old clause 2.5 now made into this new clause.
14		<u>Reports prepared jointly with other Designated Pipe-line Operator's</u>  14.1 <u>Without prejudice to section 4.1(e) Premier Transmission shall prepare a report relating to the modification of the Transportation Code jointly with the other Designated Pipe-line Operator's where appropriate.</u>	New clause to meet Energy Order requirements.
Appendix Definitions 1.			
“Alternative Procedure”	shall have the meaning set out in section 10.1;	shall have the meaning <u>given to it</u> in section 10.1;	Text clarification.
“Alternative Proposed Modification”	shall have the meaning set out in section 7.2;	shall have the meaning <u>given to it</u> in section 7.2;	Text clarification.
“Application for Change”	shall have the meaning set out in section 12.2;	shall have the meaning <u>given to it</u> in section 12.2;	Text clarification.
“ <u>Authority</u> ”		<u>Shall mean the Northern Ireland Authority for Energy Regulation;</u>	New name of the Director General for Gas for Northern Ireland.
“Consultation Period”	shall have the meaning set out in section 5;	shall have the meaning <u>given to it</u> in section 5;	Text clarification.
“Consultees”	shall have the meaning	shall have the meaning	Text clarification.

Section	Old wording	Revised Wording	Reason for Change
	set out in section 2.5;	<a href="#">given to it</a> in section 2.6;	
<b>“Director”</b>	Shall mean a person authorised, by licence under Article 8 of the Gas (Northern Ireland) Order 1996 or by exemption under Article 7 of such Order, to supply gas;		The name of the Director General for Gas for Northern Ireland has changed and is now referred to as the “Authority”.
<b>“Final Modification Report”</b>	shall have the meaning set out in section 8.1;	shall have the meaning <a href="#">given to it</a> in section 8.1;	Text clarification.
<b>“Gas Supplier”</b>	Shall mean a person authorised, by licence under Article 8 of the Gas (Northern Ireland) Order 1996 or by exemption under Article 7 of such Order, to supply gas;		No longer required.
<b>“Initial Modification Report”</b>	shall have the meaning set out in section 3.1;	shall have the meaning <a href="#">given to it</a> in section 3.1;	Text clarification.
<b>"Licence"</b>	Means the licence to convey gas granted to Premier Transmission under Article 8 (1) of the Gas (Northern Ireland) Order 1996;	Means the licence to convey gas granted to Premier Transmission under Article 8 (1) of the Gas (Northern Ireland) Order 1996 <a href="#">from time to time, as it may be amended from time to time;</a>	Text clarification.
<b>“Proposed Modification”</b>	shall have the meaning set out in section 2.1;	shall have the meaning <a href="#">given to it</a> in section 2.1;	Text clarification.
	<b>“Preliminary View”</b>	<b>“Preliminary Determination”</b>	Definition clarification.
<b>“Preliminary Determination”</b>	shall have the meaning set out in section 4.1;	shall have the meaning <a href="#">given to it</a> in section 4.1;	Text clarification.
<b>“relevant objective”</b>		<a href="#">Shall have the meaning given to it in Condition 2.3.1 of the Licence subject to the additional requirement set out in Standard Condition 2.7.2;</a>	New definition to reflect the additional Standard Condition Licence requirement set out in 2A.7.2
<b>“Rules”</b>	shall have the meaning set out in section 1.2;	shall have the meaning <a href="#">given to it</a> in section 1.2;	Text clarification.
<b>"Shipper"</b>	means a person other than Premier Transmission who, for the time being, has acceded to and is bound by the Transportation Code by an Accession Agreement;	means a person other than Premier Transmission <a href="#">or a Gas Supplier</a> who, for the time being, has acceded to and is bound by the Transportation Code by an Accession Agreement;	Text clarification.
<b>“Transportation Code”</b>	means the Transportation Code governing the relationship between Premier Transmission and each Shipper in relation to the	means the Transportation Code governing the relationship between Premier Transmission and each Shipper in relation to the transportation of gas	Punctuation correction.

Section	Old wording	Revised Wording	Reason for Change
	transportation of gas on the transportation system;	on the transportation system.	
Appendix Interpretation 2.			
2.1.2	" <b>business day</b> " shall be construed as a reference to a day (other than a Saturday or Sunday) on which banks are generally open for business in London, England and Belfast, Northern Ireland;	" <b>business day</b> " shall be construed as a reference to a day (other than a Saturday or Sunday) on which banks are generally open for business in Belfast;	A business day will now only reflect Northern Ireland business days.
2.2	Headings in these Rules are for ease of reference only and shall not affect its construction.	<a href="#">Terms defined in the Licence shall, unless the term is defined in these Rules, have the same meaning when used in these Rules.</a>	New interpretation 2.2 inserted for the avoidance of doubt.  Old interpretation 2.2 now becomes 2.3 (no change in the drafting).
2.3	References in these Rules to sections are to sections of these Rules.	Headings in these Rules are for ease of reference only and shall not affect its construction.	Old interpretation 2.2 now becomes 2.3 (no change in the drafting).  Old interpretation 2.3 now becomes 2.4.
		References in these Rules to sections are to sections of these Rules <a href="#">and to conditions and standard conditions are to conditions and standard conditions of the Licence.</a>	To reflect Energy Order requirements.

**PREMIER TRANSMISSION LIMITED**

**TRANSPORTATION CODE  
MODIFICATION RULES**

Version ~~1.0—15<sup>th</sup> September 2000~~ 2.0 [ 2005]

## TABLE OF CONTENTS

1.	Introduction	1
2.	<a href="#">Proposed</a> Modification <del>Proposal</del>	1
3.	Initial Modification Report	2
4.	Preliminary <del>View</del> <a href="#">Determination</a>	3
5.	Consultation Period	3
6.	Consultation Meetings	3
7.	Development Process	4
8.	Final Modification Report	4
9.	Determination and Implementation of Modification	5
10.	Alternative Procedure for substantial review of part of the Transportation Code	6
<hr/>		
<del>11.</del>	<del>Extensions</del>	<del>7</del>
<del>11.</del>	<del><a href="#">Revision of timescales</a></del>	<del>7</del>
12.	<del>Change</del> <a href="#">Modification to these Modification</a> Rules	7
13.	Notices	8
<del>14.</del>	<del><a href="#">Impact of modification on other Designated Pipe-line Operator's network codes</a></del>	<del>8</del>
THE APPENDIX:	Definitions and Interpretation	<a href="#">109</a>

## 1. Introduction

- 1.1 Premier Transmission is required by Condition 2.3.4 of the Licence to establish and implement procedures for the modification of the Transportation Code so as to, inter alia, better facilitate the achievement of the relevant objective; subject to the additional obligations imposed by Standard Condition 2A.7.
- 1.2 Premier Transmission is required, pursuant to Condition 2.3.5 of the Licence, to prepare a document, referred to in the Licence as “the modification Rules”, setting out the procedures for the modification of the Transportation Code; subject to the additional obligations imposed by Standard Condition 2A.7. This document comprises the modification rules for the purposes of the Licence (these “Rules”). It also contains rules for changing these Rules.
- 1.3 Any modification to the Transportation Code shall be made in accordance with these Rules or Condition 2.3.6(b) of the Licence.
- 1.4 These Rules ~~de~~are not ~~constitute~~ part of the Transportation Code.
- 1.5 Unless the context otherwise requires, the definitions and rules of interpretation in the Appendix to these Rules shall apply.

## 2. ~~Proposed~~ Modification ~~Proposal~~

- 2.1 The ~~Director~~Authority, Premier Transmission, and any Gas Supplier or Shipper may propose a modification to the Transportation Code (a “**Proposed Modification**”).
- 2.2 A Proposed Modification shall either be prepared and submitted by the ~~Director~~Authority, a Gas Supplier or a Shipper ~~to Premier Transmission~~ or be prepared by Premier Transmission ~~(as the case may be)~~ and include the following:

~~(a)~~ — a description of the nature and purpose of the modification;

~~(b)~~ — an indication of how the modification would better facilitate the relevant objective as compared with the existing provisions of the Transportation Code;

~~(c)~~ — a list of all the sections and parts of the Transportation Code that would require amending; or a comparison of any text proposed for the Transportation Code with the relevant text of the existing Transportation Code; and

~~(d)~~ — the date proposed for the implementation of the modification and any end date; ~~and~~;

~~(e)~~ — ~~any proposed text amending the Transportation Code.~~

2.3 If Premier Transmission prepares a Proposed Modification, Premier Transmission shall have regard to the impact that such modification might have on the operation of any other Designated Pipe-line Operator’s network code.

~~2.3~~2.4 Premier Transmission shall give each Proposed Modification a unique reference number.

~~2.4~~2.5 Premier Transmission may, from time to time, determine, in its reasonable judgement, the form that a Proposed Modification should take.

~~2.5~~2.6 Premier Transmission shall;

(a) forward any Proposed Modification to the PS Gas Suppliers ~~and~~ the Shippers and all other Designated Pipeline Operators;

~~(b)~~(b) forward any Proposed Modification to anyone who requests it;

(c) make any Proposed Modification otherwise available to persons in an appropriate manner where it is necessary for establishing whether the proposal would better facilitate the achievement of the relevant objective.

(collectively the “**Consultees**”) ~~it being acknowledged that (b) and (c) above shall be achieved by publishing the Proposed Modification on a Premier Transmission website.~~



~~2.6~~2.7 Premier Transmission shall, within 5 business days of the submission of a Proposed Modification to it, or in the case of a Proposed Modification proposed by Premier Transmission as soon as possible after preparing the same, forward the Proposed Modification to the Consultees.

~~2.7~~2.8 Any person who has submitted a Proposed Modification may at any time, up to the submission of a Final Modification Report to the ~~Director~~Authority, request Premier Transmission to withdraw its Proposed Modification from the modification process described in these Rules. Premier Transmission shall withdraw the Proposed Modification unless, in the opinion ~~of~~of Premier Transmission, making the modification proposed would better facilitate the achievement of the relevant objective in which case Premier Transmission shall become the ~~Proposer~~proposer of such modification.

### **3. Initial Modification Report**

3.1 Premier Transmission shall, after receiving or preparing a Proposed Modification, prepare an “**Initial Modification Report**” containing:

(a) the Proposed Modification;

**(b) where Premier Transmission has not made the proposal:**

**(i) and it believes that an alternative proposal would better achieve the relevant objective, that alternative;**

(ii) Premier Transmission's opinion of the Proposed Modification;

(iii) any text which Premier Transmission may wish to propose as an alternative to that contained in the Proposed Modification;

(c) Without prejudice to sections ~~8.1~~8.3(d) and (g), Premier Transmission's estimate of an implementation date if the Proposed Modification ~~Proposal~~ were to be approved by the ~~Director~~Authority pursuant to section 9.

3.2 In preparing an Initial Modification Report, Premier Transmission shall have regard to the impact that such modification might have on the operation of any other Designated Pipe-line Operator's network code.

~~3.3~~ **~~3.2~~ Premier Transmission shall, subject to section 4.1 (a), issue an Initial Modification Report to the Consultees within 25 business days of receiving a Proposed Modification.**

### **4. Preliminary ~~View~~Determination**

4.1 Premier Transmission or any Consultee may, before an Initial Modification Report is issued, or if it is issued, before the expiry of the Consultation Period, seek the preliminary view of the ~~Director~~Authority in relation to any matter arising in respect of any Proposed Modification, in accordance with this section 4, (a “**Preliminary ~~View~~Determination**”) including as to whether:

(a) the ~~matter is sufficiently urgent to justify adopting a procedure which may result in the implementation of a Proposed Modification earlier than by following the procedure set out in these Rules;~~(b) ~~the~~ Proposed Modification should be considered in an Alternative Procedure in accordance with section 10;

~~(b)~~ any Alternative Procedure issued by Premier Transmission in accordance with section 10.7 should be adopted;

~~(d)~~ the Proposed Modification should be rejected without further consultation;

~~(e)~~ a meeting of interested Consultees shall be held in accordance with section ~~6.6~~;

(e) it is appropriate for Premier Transmission to prepare a report relating to the modification of the Transportation Code jointly with the other Designated Pipe-line Operator's.

4.2 **Premier Transmission shall notify the Consultees and any Consultee shall notify Premier Transmission that it has sought a Preliminary ~~View~~Determination setting out the matter on which the ~~Director~~Authority's view is being sought and its reasons for doing so.**

4.3 Premier Transmission and each Consultee shall notwithstanding any other provision of these Rules, be bound by the ~~Director~~Authority's Preliminary ~~View~~Determination in relation to any Proposed Modification.

#### 5. Consultation Period

Each Consultee shall have 20 business days within which it may respond to an Initial Modification Report (the "**Consultation Period**").

#### 6. Consultation meetings

6.1 Any Consultee may request Premier Transmission to facilitate a meeting of interested Consultees to discuss a Proposed Modification ~~Proposal~~—where it considers it appropriate. If Premier Transmission does not consider one appropriate such Consultee may request a Preliminary ~~View~~Determination in relation to whether a meeting shall be held in accordance with section 4.1 (~~ed~~).

6.2 Premier Transmission may elect to facilitate a meeting of interested Consultees to discuss a Proposed Modification where it considers such meeting appropriate.

#### 7. Development Process

7.1 Where, following the Consultation Period, amendments should, in the opinion of Premier Transmission, be made to the Proposed Modification ~~Proposal~~ which will not change the aim stated in the Proposed Modification ~~Proposal~~, such changes may be incorporated into the proposed wording contained in the Final Modification Report by Premier Transmission. Premier Transmission or any Consultee may propose any such amendments.

7.2 Where, following the Consultation Period, amendments should, in the opinion of Premier Transmission, be made to the Proposed Modification which will change the aim stated in the Proposed Modification, an alternative Proposed Modification will be issued by Premier Transmission for consultation containing such amendments (an "**Alternative Proposed Modification**"). Such alternative will be issued to the Consultees within 10 business days ~~of~~after the end of the Consultation Period for the first Proposed Modification ~~Proposal~~. The Consultees will have 10 business days to respond to such alternative.

7.3 If Premier Transmission prepares an Alternative Proposed Modification, Premier Transmission shall have regard to the impact that such modification might have on the operation of any other Designated Pipe-line Operator's network code.

#### 8. Final Modification Report

8.1 Subject to section 7.2 Premier Transmission will compile and submit a final modification report (a "**Final Modification Report**") to the ~~Director~~Authority within 20 business days after the end of the Consultation Period.

8.2 If an Alternative Proposed Modification is prepared Premier Transmission will compile and submit a Final Modification Report to the ~~Director~~Authority in respect of the original Proposed Modification and the Alternative Proposed Modification, within 15 business days after the end of the ~~Consultation Period~~consultation period for the Alternative Proposed Modification.

8.3 The Final Modification Report or (in the case of an Alternative Proposed Modification) both Final Modification Reports will contain:

~~(a)~~—any proposed text amending the Transportation Code;

(b) an indication of how the modification would better facilitate the relevant objective as compared with the existing provisions of the Transportation Code;

(c) the particulars of any representations or objections made (and not withdrawn) by any ~~Gas Supplier or Shipper and other person who is likely to be materially affected by the Proposed Modification~~ Consultee and an explanation of how ~~those~~ such representations or objections have been addressed;

(d) Premier Transmission's recommendation of whether or not the Proposed Modification (or, in the case of an Alternative Proposed Modification, the Alternative Proposed Modification) should ~~or should not~~ be made;

(e) the factors which, in Premier Transmission's opinion, justify making or not making a Proposed Modification (or, in the case of an Alternative Proposed Modification, the Alternative Proposed Modification);

(f) details of any amendment made in accordance with section 7.1 together with an explanation of why, in the opinion of Premier Transmission, the amendment should be made; and

(g) the date proposed for the implementation of the Proposed Modification and any end date having regard to any system or procedural changes that may be necessary as a result of the modification. If such proposed date is different to that estimated by Premier Transmission pursuant to section 3.1(c), Premier Transmission will ensure that before completing the Final Modification Report Consultees will have been given a further opportunity to comment on Premier Transmission's latest proposed implementation date and will include in the Final Modification Report any views on implementation dates expressed by Consultees that differ to that proposed by Premier Transmission.

8.4 In preparing a Final Modification Report, Premier Transmission shall have regard to the impact that such modification might have on the operation of any other Designated Pipeline Operator's network code.

**9. Determination and Implementation of Modification**

9.1 The ~~Director~~ Authority shall, after having received any Final Modification Report in relation to:

(a) a Proposed Modification, determine whether ~~it~~ the modification will, in the opinion of the ~~Director~~ Authority, as compared to the existing provisions of the Transportation Code better facilitate the achievement of the relevant objective;

(b) a Proposed Modification and an Alternative Proposed Modification, determine ~~whether either of, or~~ which ~~of, such~~ proposals (if any) will, in the opinion of the ~~Director~~ Authority, as compared to the existing provisions of the Transportation Code better facilitate the achievement of the relevant objective;

and inform Premier Transmission of its determination.

9.2 If the ~~Director~~ Authority's determination is that it, or one of such proposals (as appropriate) will so facilitate such objective the ~~Director~~ Authority shall direct Premier Transmission to implement the Proposed Modification or Alternative Proposed Modification (as appropriate) on the date proposed for its implementation in the Final Modification Report or such other date as the ~~Director~~ Authority requires.

9.3 Premier Transmission shall comply with any direction given by the ~~Director~~ Authority to make a modification to the Transportation Code in accordance with a Final Modification Report.

9.4 Premier Transmission shall promptly:

(a) notify the ~~Gas Suppliers and the Shippers and any other~~ Consultees of any determination of the ~~Director~~ Authority in relation to the implementation of a Proposed Modification or Alternative Proposed Modification (as appropriate); and

- (b) provide a copy of any modification to the Transportation Code to the Director Authority and the ~~Gas Suppliers and Shippers and to any other~~ Consultees.

**10. Alternative Procedure for substantial review of part of the Transportation Code**

- 10.1 Premier Transmission may, if it considers that any Proposed Modification would make such a significant change to the Transportation Code that the procedure ~~set out given to it~~ in sections 2, 3 and 5 is not adequate to allow the Proposed Modification to be properly considered, request a Preliminary View Determination as to whether an alternative procedure should be adopted in relation to it (an “**Alternative Procedure**”) ~~in accordance with section 4.1 (b).~~
- 10.2 If the Director Authority's Preliminary View Determination is that an Alternative Procedure should be adopted Premier Transmission shall prepare a document setting out:
  - (a) Premier Transmission's reason for adopting an Alternative Procedure;
  - (b) an outline of the proposed Alternative Procedure including a proposed timetable ~~but~~ which timetable shall provide each Consultee with a time period of not less than the Consultation Period in which to comment;
  - (c) any proposed amendment or addition to the Proposed Modification;
  - (d) details of any analysis it proposes is prepared to enable the Proposed Modification to be properly considered;
  - (e) details of any proposed working group or review group to consider the Proposed Modification.
- 10.3 Any such Alternative Procedure shall be forwarded to the Consultees along with the Proposed Modification.
- 10.4 A Consultee may, within 15 business days ~~of~~after the date that the Alternative Procedure was issued, submit to Premier Transmission any comments it may have on the Alternative Procedure including its availability to attend any meeting proposed in the procedure.
- 10.5 Premier Transmission shall within 25 business days from the date that the ~~Alternative Procedure~~a document was issued, in accordance with Section 10.2, finalise and issue to the Consultees, the Alternative Procedure which shall, subject to section 10.6, be adopted and followed.
- 10.6 A Consultee may, within 10 business days ~~of~~from the date that the Alternative Procedure was issued, request a Preliminary View Determination as to whether the Alternative Procedure proposed should be adopted in accordance with section 4.1 (c).
- 10.7 Premier Transmission may, at any time, amend the Alternative Procedure with the consent of the Director Authority or the unanimous agreement of the PS Gas Suppliers and, the Shippers and all other Designated Pipeline Operators.

**~~11. Extensions~~**

**11. Revision of timescales**

- 11.1 Premier Transmission or any Consultee may, at any time, ~~make a request to the Director for approval of an extension to the Authority to approve the increase or reduction of any of~~ the time scales outlined in these Rules. ~~Where the Director has approved such a request,~~
- 11.2 Premier Transmission and each Consultee shall, notwithstanding any other provision of these Rules, be bound by the Authority's determination of whether such an increase or reduction of time scales shall be made. Premier Transmission shall inform the Consultees of ~~the revised time scales~~such determination by the Authority.

**12. Change Modifications to these Modifications Rules**

12.1 Any modification to these Rules shall be made in accordance with the change rules set out in this section 12.

12.2 Premier Transmission, the Gas Suppliers and the Shippers may propose an amendment to ~~amend~~ these Rules by preparing an “**Application for Change**” which will include;

- (a) the proposed change including the proposed text to be inserted into these Rules;
- (b) a description of the objective of the proposed change; and
- (c) its proposed date of implementation

and in the case of the Gas Suppliers and the Shippers, by sending the Application for Change to Premier Transmission.

12.3 Premier Transmission shall forward any Application for Change to the PS Gas Suppliers ~~and~~ the Shippers and the other Designated Pipe-line Operators inviting their comments on it. Any such comments must be made within 15 business days of the date the Application for Change was forwarded or any such shorter period as Premier Transmission may have requested the ~~Director~~Authority to approve and the ~~Director~~Authority shall have so approved.

12.4 Premier Transmission shall prepare a report including:

- (a) the Application for Change;
- (b) any such comments on it as the PS Gas Suppliers ~~and~~ the Shippers and the other Designated Pipe-line Operators shall have made;
- (c) Premier Transmission's views on such comments and where it was submitted by a PS Gas Supplier ~~or~~ a Shipper, or another Designated Pipe-line Operator the Application for Change;
- (d) any proposed text amending these Rules to incorporate the change.

12.5 If the ~~Director~~Authority approves the change to these Rules proposed in such report Premier Transmission shall provide the PS Gas Suppliers, the Shippers and the ~~Shippers~~other Designated Pipe-line Operators with 5 business days notice of the implementation of such change.

### 13. Notices

- 13.1 Any notice or other communication given or made by any person under these Rules shall be:
- (a) in writing and may be (i) delivered by hand to the addressee, ~~or: (ii)~~ sent by first class prepaid letter, to the address of the addressee ~~or: (iii)~~ sent by fax to the addressee's fax transmission number specified in writing by the addressee or such other address or number as may be notified by a person from time to time in writing for this purpose; or (iv) sent by email to an email address specified in writing by the addressee or such other address or number as may be notified by a person from time to time in writing for this purpose; and
  - (b) deemed to have been given or made and delivered: ~~(i)~~ if by hand, when left at the relevant address; ~~(ii)~~ if by letter, on the second day after posting; ~~and: (iii)~~ if by fax transmission between the hours of 09:00 and 17:00 on Monday to Thursday and between the hours of 09:00 and 16:00 on Friday, at the time of receipt by the sender of confirmation of transmission and otherwise at 09:00 on the next business day after transmission; and (iv) if by email between the hours of 09:00 and 17:00 on Monday to Thursday and between the hours of 09:00 and 16:00 on Friday, at the time of receipt by the sender of confirmation of receipt and otherwise at 09:00 on the next business day after transmission;
  - (c) marked clearly and conspicuously for the attention of the relevant addressee.
- 13.2 If a communication by fax is received in an incomplete or illegible form:
- (a) if the addressee so requests (by telephone or otherwise), the sender shall promptly retransmit the communication to the addressee; and
  - (b) provided that the request for re-transmission was made within 24 hours after time of receipt (in accordance with section 13.1) of the first fax, the communication shall not be deemed to have been received until the time (whether or not between 09:00 and 17:00 hours) of receipt by the sender of confirmation of such retransmission.
- 13.3 No accidental omission or neglect in sending any notice or other communication to, or non-receipt of any or notice or other communication by, any person shall be capable of invalidating any act or thing done pursuant to these Rules.
- 13.4 Notwithstanding any other term of these Rules any requirement which Premier Transmission has to issue, forward or otherwise provide any notice, report, document or other communication to the persons referred to in section 2.6(b) or (c) shall be satisfied by Premier Transmission publishing the communication on its website.

#### 14. Reports prepared jointly with other Designated Pipe-line Operator's

- 14.1 Without prejudice to section 4.1(e) Premier Transmission shall prepare a report relating to the modification of the Transportation Code jointly with the other Designated Pipe-line Operator's where appropriate.

## THE APPENDIX Definitions and Interpretation

### Definitions

1. In these Rules:

“Alternative Procedure”	shall have the meaning <del>set out</del> <a href="#">given to it</a> in section 10.1;
“Alternative Proposed Modification”	shall have the meaning <del>set out</del> <a href="#">given to it</a> in Section 7.2;
“Application for Change”	shall have the meaning <del>set out</del> <a href="#">given to it</a> in Section 12.2;
<u>“Authority”</u>	<u>shall mean the Northern Ireland Authority for Energy Regulation;</u>
“Consultation Period”	shall have the meaning <del>set out</del> <a href="#">given to it</a> in Section 5;
“Consultees”	shall have the meaning <del>set out</del> <a href="#">given to it</a> in section <del>2.52.6</del> ;
<del>“Director”</del>	<del>shall mean the Director General of Gas for Northern Ireland;</del>
“Final Modification Report”	shall be the meaning <del>set out</del> <a href="#">given to it</a> in section 8.1;
<del>“Gas Supplier”</del>	<del>shall mean a person authorised, by licence under Article 8 of the Gas (Northern Ireland) Order 1996 or by exemption under Article 7 of such Order, to supply gas;</del>
“Initial Modification Report”	shall have the meaning <del>set out</del> <a href="#">given to it</a> in section 3.1;
"Licence"	means the licence to convey gas granted to Premier Transmission under Article 8 (1) (a) of the Gas (Northern Ireland) Order 1996 <u>from time to time, as it may be amended from time to time;</u>
“Premier Transmission”	means Premier Transmission Limited;
“Proposed Modification”	shall have the meaning <del>set out</del> <a href="#">given to it</a> in section 2.1;
“Preliminary <del>View</del> <a href="#">Determination</a> ”	shall have the meaning <del>set out</del> <a href="#">given to it</a> in section 4.1;
<u>“relevant objective”</u>	<u>shall have the meaning given to it in Condition 2.3.1 of the Licence subject to the additional requirement set out in Standard Condition 2A.7.2;</u>
“Rules”	shall have the meaning <del>set out</del> <a href="#">given to it</a> in section 1.2;
"Shipper"	means a person other than Premier Transmission <u>or a Gas Supplier</u> who, for the time being, has acceded to and is bound by the Transportation Code by an Accession Agreement;
“Transportation Code”	means the Transportation Code governing the relationship between Premier Transmission and each Shipper in relation to the transportation of gas on the Transportation System;

### 2. Interpretation

2.1 Unless the context otherwise requires, any reference in these Rules to:

2.1.1 **"including"** shall mean including but not limited to;

2.1.2 **"business day"** shall be construed as a reference to a day (other than a Saturday or Sunday) on which banks are generally open for business in ~~London, England and Belfast, Northern Ireland;~~

2.1.3 a person shall be construed as a reference to any person, firm, company, corporation, government or agency of a state or any association or partnership (whether or not having separate legal personality) or two or more of the foregoing;

2.1.4 time shall be construed by reference to whatever time may from time to time be in effect in England; and

2.1.5 the singular shall include the plural and vice versa.

2.2 Terms defined in the Licence shall, unless the term is defined in these Rules, have the same meaning when used in these Rules.

2.3 Headings in these Rules are for ease of reference only and shall not affect its construction.

~~2.3~~ 2.4 References in these Rules to sections are to sections of these Rules and to conditions and standard conditions are to conditions and standard conditions of the Licence.





197 AIRPORT ROAD WEST

BELFAST BT3 9ED

TEL: 028 9055 5555

FAX: 028 9055 5500

Mr Kevin Chapman  
Contracts and Administration Co-ordinator  
Premier Transmission Ltd.  
100 Thames Valley Park  
Reading  
Berkshire  
RG6 1PT

1<sup>st</sup> March 2005

Dear Kevin

Application for Change to the Transportation Code Modification Rules

Please find attached Phoenix's comments on the proposed changes to the code modification rules.

I have forwarded by Email a marked up copy of the code modification rules incorporating Phoenix's suggested changes to the text for your consideration.

If you have any queries in relation to these comments please give me a call.

Yours sincerely

**Joanne**

Joanne Quinn  
**Transportation Services Manager**  
**Phoenix Natural Gas Ltd.**

Tel No: 028 9055 5571

Email: [Joanne.Quinn@Phoenix-Natural-Gas.com](mailto:Joanne.Quinn@Phoenix-Natural-Gas.com)

Phoenix Natural Gas Comments on the Proposed Changes to the PTL Transportation Code  
Modification Rules

1<sup>st</sup> March 2005

**1.4 How are parties other than Premier Transmission, which is bound under the terms of its licence, bound to follow the Modification Rules?**

**1.4 Suggested wording change: These Rules are not part of the Transportation Code.**

**2.3 Phoenix believe that PTL should also consider any impact proposed modifications may have on Distribution Networks in Northern Ireland in addition to the impact on designated pipeline operators.**

**2.5 Should any proposed modification not always be in accordance with paragraph 2.2?**

**2.6 (c) Who determines when this is necessary? Is this at the sole discretion of PTL?**

**2.8 Suggested wording change: Premier Transmission shall withdraw the Proposed Modification unless, in the opinion of Premier Transmission, making the modification proposed would better facilitate the achievement of the relevant objective in which case Premier Transmission shall be come the proposer of such modification.**

**6.2 Suggested wording change: Premier Transmission may elect to facilitate a meeting of interested Consultees to discuss a Proposed Modification where it considers such meeting appropriate.**

**7.2 Suggested wording change: Such alternative will be issued to the Consultees within 10 business days after the end of the Consultation Period for the first Proposed Modification.**

**8.3 (c) Suggested wording change: the particulars of any representations or objections made (and not withdrawn) by any Consultee and an explanation of how such representations or objections have been addressed**

**9.1 (a) Suggested wording change: a Proposed Modification, determine whether the modification will, in the opinion of the Authority, as compared to the existing provisions of the Transportation Code better facilitate the achievement of the relevant objective;**

**9.1 (b) Suggested wording change: a Proposed Modification and an Alternative Proposed Modification, determine which proposals (if any) will, in the opinion of the Authority, as compared to the existing provisions of the Transportation Code better facilitate the achievement of the relevant objective.**

**10.1 Suggested wording change: Premier Transmission may, if it considers that any Proposed Modification would make such a significant change to the Transportation Code that the procedure given to it in sections 2, 3 and 5 is not adequate to allow the Proposed Modification to be properly considered, request a Preliminary Determination**

*as to whether an alternative procedure should be adopted in relation to it (an "Alternative Procedure")*

*10.2 (a) Should this be the Authority's reasons and not PTL's reasons?*

*10.2 (b) Suggested wording change: an outline of the proposed Alternative Procedure including a proposed timetable which shall provide each Consultee with a time period of not less than the Consultation Period in which to comment;*

*10.4 Suggested wording change: A Consultee may, within 15 business days after the date that the Alternative Procedure was issued, submit to Premier Transmission any comments it may have on the Alternative Procedure including its availability to attend any meeting proposed in the procedure.*

*10.5 Suggested wording change: Premier Transmission shall within 25 business days from the date that document was issued in accordance with Section 10.2, finalise and issue to the Consultees, the Alternative Procedure which shall, subject to section 10.6, be adopted and followed.*

*10.6 Suggested wording change: A Consultee may, within 10 business days from the date that the Alternative Procedure was issued*

*10.6 Should this be a reference to the document issued in accordance with 5.10.2 or the Alternative Procedure issued in accordance with 5.10.5?*

*12.2 (a) Suggested wording change: the proposed change including the proposed text to be inserted into these Rules;*

## **BGE Comments on Code Modification Rules (Ref. PTL Application for Change CMR001)**

BGE are pleased to submit comments on PTL's Application for Change CMR001, circulated by the PTL on 9<sup>th</sup> February 2005, which proposes changes to the PTL Code Modification Rules.

BGE understand this will be the basis for a set of common modification rules and support the Authority in developing a common set of modification rules for the Northern Ireland Codes.

We note the adoption of a number of the suggestions made in BGE's initial submission to the NIAER on 12<sup>th</sup> January 2005, and have highlighted below some suggestions to ensure the code modification process will be as streamlined as possible going forward.

### **Section 1.3**

BGE note that this section refers to making a modification in accordance with Condition 2.3.6(b) of the PTL Licence – this is Condition 2.4.6(b) in the BGE Licence.

We assume that there will be minor modifications to each DPO's Code Modification rules to reflect such differences.

### **Section 2.6**

BGE note the update to section 2.6 to comply with the Energy Order.

BGE request clarification on how prescriptive the Energy Order is on the exact mechanism for publication and circulation of Code Modifications.

BGE recommend that Code Modifications be published on the DPO's (and also possibly the NIAER) website.

BGE suggest that the Transporters notify Shippers of updates to the Code Modification Section of their website by e-mail (or fax) to PS Gas Suppliers.

BGE has, in co-operation with the other DPOs, drawn up a contact information matrix of PS Gas Suppliers and DPO's. This would facilitate the receipt of notices by fax and/or e-mail.

Electronic publication of Code Modifications and notifications to Shippers in Northern Ireland would be consistent with current practice for Transportation Codes in other jurisdictions, including the ROI and the U.K.

We suggest that this section be re-drafted to reflect this, if it is agreeable to the Authority and the other Transporters.

### **Appendix**

(i) We note that the definitions of 'Licence', 'Shipper' and 'Transportation Code' refer only to Premier Transmission.

(ii) We note also that while the definition of 'relevant objective' in the Appendix has been amended to include Standard Condition 2A.7.2, it also refers to Licence Condition 2.3.1. This is Condition 2.4.1 in the BGE Licence.

We assume that each DPO's Code Modification rules will reflect differences between the DPO's Licence and the PTL Licence.