BGE(NI) Comments on PTL Code Modification No.8

BGE(NI) are pleased to submit comments on PTL’s Code Modification Proposal No. 8, circulated on 5th May 2005. BGE(NI) broadly support the proposed modification to the PTL Code and feel that in the main the changes aid understanding of the PTL Code.

Clause 2.13.2 (a)

BGE(NI) note that this clause requires that a Profile Nomination submitted by a Downstream System Operator specifies the Phoenix Exit Point No.2 Nomination or Phoenix Exit Point No.3 Nomination to which it relates. Clause 5 of the NINOA provides for BGE(NI) to submit a profile for the aggregate offtake at the Carrickfergus Connected Systems Point (Phoenix Exit Point No.2 and Phoenix Exit Point No.3).

BGE(NI) feel that it may be beneficial to have consistency between the Shipper – Transporter arrangements under the Code, and the Transporter – Transporter arrangements in the NINOA, i.e. an aggregate profile is provided by the Downstream Operator.

Clause 2.13.2 (f)

BGE(NI) note that this clause now includes new sub-clause (f). BGE(NI) had proposed a similar modification in Code Modification Proposal No.10, (submitted by BGE(NI) on 9th May 2005). BGE(NI) support the proposed change which reflects the arrangements implemented at Carrickfergus, i.e. a profile request may deviate by 20% from one twenty-fourth of the aggregate end of day quantity. The existing drafting in the Code could have been interpreted to restrict the profile to a maximum of 20% of one twenty fourth of the Aggregate Nominated Quantity, whereas the intent was to allow a deviation of 20% from one twenty fourth of the Aggregate Nominated Quantity.

BGE(NI) have withdrawn Code Modification Proposal No.10 and support the implementation of this change as part of Code Modification Proposal No. 8.

Clause 16.5.2 (a)

We note the inclusion of Capacity Reconciliation Payments and Commodity Reconciliation Payments in sub clauses (iii) and (iv) respectively. The Definitions section in Appendix 1 of the Code does not include definitions of Capacity Reconciliation Payments or Commodity Reconciliation Payments. Appendix 1 does include a definition of Reconciliation Payments, which in turn refers to a definition in the Licence. We suggest that the definitions of Capacity Reconciliation Payments and Commodity Reconciliation Payments be included in Appendix 1 of the Code.
Clause 17.2.2 (d)

BGE(NI) support the inclusion of a Prospective Shipper's address for notices.

Clause 17.8

BGE(NI) note the introduction of a new provision to the Code to allow a Shipper who has acceded to the Code to retire and terminate their Accession Agreement. This raises the query as to whether a termination provision will be included in the Accession Agreement also.

BGE(NI) support the introduction of a mechanism to allow a party to de-accede/retire from the Code where this is appropriate, and are looking at the merit of introducing a similar provision in the BGE(NI) Transportation Network Code.

We suggest, however, that a Shipper should remain bound to the Code until all payments have been made, including:
- PS Transmission Amounts
- Code Charges
- Capacity Reconciliation Payments
- Commodity Reconciliation Payments
- Supplemental Payments
- Auxiliary Payments
- Any other payments due pursuant to the Code.

With regard to the timings and process for a Shipper to retire from the Code, BGE(NI) feel that a Shipper should apply to the Transporter, giving at least 35 business days notice, and the Transporter should reply within 25 business days of receiving the application to retire.

A Shipper should not be eligible to retire from the Code if they are a party to another agreement between the Transporter and the Shipper which incorporates the Code. Please note that these comments are subject to further BGE(NI) comment as any modifications to the BGE(NI) Transportation Network Code to incorporate provisions for retirement will be subject to BGE(NI) legal review.

BGE(NI) feel also that it would be of benefit to discuss the proposed retirement provision with the interested parties prior to it being incorporated into the PTL Code.

Definitions – Appendix 1

Due Date - BGE(NI) note that the definition of the Due Date refers only to a PS Transmission Payment.

BGE(NI) suggest the definition of the Due Date be expanded to include Code Charges.