

Aidan Hogan
BGE(NI)
Gaslink
6 Lapps Quay,
Cork,
Ireland.

28 September 2012

Dear Aidan

Re: BGE(NI) Code Modification Proposal 8

Thank you for your recent submission of the Final Modification Report in respect of the above named modification. The Northern Ireland Authority for Utility Regulation (NIAUR) has considered the issues raised by this modification and the FMR. The Authority notes that despite best efforts by both TSOs the drafting of the PTL and BGE(NI) Transportation Codes are not consistent and it is our understanding that PTL are not proposing to modify their code to reflect your drafting. However the Authority will approve this modification subject to both PTL and BGE(NI) resubmitting a new code modification on this proposal by 31 October 2012 which delivers identical drafting of both codes unless there are compelling reasons to do otherwise.

Reasons for the Authority's decision

We note that two responses were received to this consultation. Furthermore we are aware that this modification was discussed with shippers attending the NI Stakeholder Group for EU Gas Network Codes on 14th June 2012.

BGE(NI) states in its FMR that the relevant objective would be better facilitated as the proposed modification achieves the objective of facilitating market opening on the Ten Towns network, while minimising time and cost implications for potential market entrants by introducing measures which are consistent with those which exist in Greater Belfast. The modification adopts those processes and information flows which have been found to be effective in similar TSO – DSO interface arrangements, and omits those which were found to be unnecessary.

The Authority would agree with this modification but as this is a non-controversial issue we would have expected identical drafting in both the BGE(NI) and PTL codes unless there are compelling reasons to do otherwise. To be clear in future all code modifications must have identical drafting or an explanation of why they are different.

Conclusion

Accordingly, and as required by Section 10 of your Transportation Code Modification Rules, NIAUR directs BGE(NI) to implement the proposed modification from 1st October 2012 subject to a revised modification by both PTL and BGE(NI) by 31 October 2012. You should note that we may wish use the relevant powers to make changes consistent with our statutory duties in future as we believe appropriate.

Yours sincerely



Brian McHugh
For and on behalf of NIAUR

Cc Mark Raphael