

# Final Modification Report No.13

## Amendment of Ten Year Statement Submission Date

17<sup>th</sup> January 2022

The Transporter has prepared this Final Modification Report No.13 in accordance with section A8 of the Code Modification Rules.

### **A Description of the nature and purpose of the modification**

This proposal is being made as a result of proposed modifications to the TSO's Licences regarding the Ten Year Statement. The Ten Year Statement, also known as the NI Gas Capacity Statement, is prepared and published annually by the Transporter and provides an assessment of the ability of the NI transmission network to meet forecast demands on the network over a ten-year period.

On 15<sup>th</sup> October 2021, the Authority published a consultation proposing modifications to the TSO Licences which closed on 15<sup>th</sup> November 2021. The proposed Licence modifications specified a later date of submission of the draft Ten Year Statement to the Authority (no later than the first working day of August instead of the tenth working day of June) and added the requirement to publish the Ten Year Statement no later than the last working day of September. If approved, the indicative effective date of the Licence Modifications is March 2022.

This Proposed Modification is to update the NI Network Gas Transmission Code to reflect the proposed Licence Modifications. The Transporter proposes that the effective date of this Proposed Modification is the same as the effective date of the Licence Modifications.

Each year the Transporter issues a questionnaire to Shippers to gather relevant information, prior to updating and developing the Ten Year Statement. The NI Network Gas Transmission Code currently stipulates that the Transporter shall state the closing date for submission of the questionnaire when it is issued. No particular changes to this approach, or the timing of it, are anticipated.

### **B How the modification better facilitates the relevant objective**

The Relevant Objective, (condition 2.4D.2 of the Transporter Licences) will be better facilitated by the NI Network Gas Transmission Code as a result of this modification. This change will support the efficient development and operation of the network by ensuring the Ten Year Statement is submitted within the required timescales to facilitate publication by the last Business Day in September.

### **C Third Party Representations**

No responses were received to the consultation on the Initial Modification Report.

**D The clauses of the NI Network Gas Transmission Code that require amendment**

This proposal amends section 16.1 by amending the date which the Transporter is required to furnish the Authority with a draft Ten Year Statement and specifies that it shall be amended in line with any requirements specified by the Authority and published on the Transporter's Website by the last Business Day in September.

**E Impact on the networks of the Designated Pipeline Operators, Adjacent Transporters and/or relevant agreements in respect of the NI Network:**

The Transporter has considered the impacts the modification may have and has concluded as follows:

Operation of the networks of the Designated Pipeline Operators: No impact

Adjacent Transporters: No impact

Relevant NI Agreements: No impact

**F Changes from the Initial Modification Report**

No changes have been made to the legal text following the consultation on the Initial Modification Report.

**G The date proposed for implementation**

The Transporter proposes that this Code Modification should take effect on the relevant Licence Modification's Effective Date (Proposed March 2022).

## H: Proposed Legal Text

### ***Amend Section 16.1 to read as shown below:***

#### **16.1 Ten Year Statement**

16.1.1 In this Code a "**Ten Year Statement**" is a statement, required to be prepared by the Transporter pursuant to condition 2.13 of the Licences and any direction of the Authority pursuant thereto, containing:

(a) the likely developments to the NI Network which the Transporter reasonably anticipates will be taken into account in determining the calculation of Charges on the NI Network; and

(b) any other further information which the Transporter may decide is appropriate, or any revision to the most recently published Ten Year Statement.

~~16.1.2 The Transporter shall furnish the Authority with a Ten Year Statement in each Gas Year no later than the 10<sup>th</sup> June containing any revisions to the previous years' Ten Year Statement.~~

16.1.~~23~~ The Transporter shall consult with Shippers and the Authority from time to time as to the form of the Ten Year Statement and shall not include details of an individual Shipper's forecast of throughput or actual throughput or holding of capacity on any part of the NI Network without that Shipper's consent (which shall not be unreasonably withheld or delayed).

16.1.~~34~~ Each Gas Year, for the purposes of enabling the Transporter to prepare the Ten Year Statement, the Transporter shall send a questionnaire to Shippers, in such form as may be determined by the Transporter, requesting information on the Shipper's forecasts for supply and demand (and the assumptions on which these forecasts are based).

16.1.~~45~~ A Shipper shall complete the questionnaire provided under section 16.1.4 and submit it to the Transporter by the date specified in the questionnaire.

16.1.~~56~~ The information to be provided by a Shipper pursuant to section 16.1.5 shall be treated as having been requested by the Transporter for the purposes of the standard condition of the Shipper's Gas Supply Licence which obliges the Shipper to provide information to a Licence holder to enable such Licence holder to draw up plans for, inter alia, the safe operation of its system.

16.1.~~67~~ If a Shipper intends, pursuant to the conditions in the Shipper's Gas Supply Licence which are equivalent to standard condition 2.16.2 of Gas Supply Licences approved 12 May 1997, to refuse to provide any item of information requested by the Transporter, the Shipper undertakes promptly:

(a) to inform the Transporter of such intention;

(b) if requested by the Transporter, to discuss with the Transporter whether there is a form in which the information can be provided or alternative information which can be provided;

(c) if requested by the Transporter, to refer or co-operate with the Transporter in referring its refusal to the Authority for determination under that Gas Supply Licence condition.

16.1.~~78~~ The Transporter shall not be liable pursuant to this Code or otherwise to any Shipper in relation to any estimate, forecast or other information contained in or omitted from a Ten Year Statement, and nothing contained in it shall oblige the Transporter to undertake any reinforcement of the NI Network.

16.1.~~89~~ Except as provided for or referred to in this Code, the Transporter is not party to any agreement for the sale of gas offtaken from the NI Network, or the purchase of gas delivered to the NI Network; and accordingly the Transporter depends on the information provided by persons who are party to such agreements, and on other sources of information, in estimating under this section 16 demand and availability of gas for supply.

16.1.~~949~~ A Shipper shall, in so far as it is practicable, co-operate with and provide reasonable assistance to the Transporter in obtaining information requested from persons not bound by this Code, including the Upstream Transporters, Upstream Shippers, persons from whom the Shipper has contracted to purchase gas and End Users.

16.1.~~1044~~ Nothing in this section 16 shall exempt a Shipper from the requirement to provide and update Downstream Load Statements where it is required to do so in accordance with section 22.8.

16.1.11 The Transporter shall furnish the Authority with a draft Ten Year Statement in each Gas Year no later than the first Business Day in August containing any revisions to the previous years' Ten Year Statement. The Transporter shall amend the draft Ten Year Statement in line with any requirements specified by the Authority and publish the final version on its website by the last Business Day in September.