

## **NOTICE UNDER SECTION 23(2) OF THE GAS ACT 1986**

The Gas and Electricity Markets Authority ("the Authority") hereby gives notice pursuant to section 23(2) of the Gas Act 1986 ("the Act") as follows:

1. The Authority proposes to modify the gas transporter licence held by National Grid Gas plc ("the Licensee") granted or treated as granted under section 7(1) of the Act by amending:
  - a. Special Condition 2D: Permit Arrangements for the Provision of Incremental Capacity; and
  - b. Special Condition 3A: Restriction of NTS System Operation Revenue.
2. The reasons why the Authority proposes to make this licence modification are to:
  - a. enable the licensee to continue to manage incremental capacity requests efficiently while new incremental capacity arrangements are developed;
  - b. allow existing capacity arrangements to continue, consistent with our RIIO-T1 final proposals; and
  - c. maintain existing lead times.
3. The effect of the proposed modification is to enable the Authority to issue a direction to:
  - a. implement permits arrangements from 5 May 2014 to 31 March 2015;
  - b. allow permits earned or not used between 1 April 2013 and 31 March 2014 to be used between 5 May 2014 and 31 March 2015;
  - c. increase the permits allowance in the RIIO-T1 formula year commencing 1 April 2014 by £13.39m; and
  - d. delay by a year when revenue is earned from the RIIO-T1 permit arrangements.
4. The proposed modifications are set out in Annex 1 and Annex 2 to this notice.
5. A copy of the proposed modification and other documents referred to in this notice are available on the Ofgem website ([www.ofgem.gov.uk](http://www.ofgem.gov.uk)).
6. Any representations on the proposed licence modification may be made on or before 5 March 2013 to: Aled Moses, Office of Gas and Electricity Markets, 9 Millbank, London, SW1P 3GE or by email to [gas.transmissionresponse@ofgem.gov.uk](mailto:gas.transmissionresponse@ofgem.gov.uk).
7. All responses will normally be published on Ofgem's website. However, if respondents do not wish their response to be made public then they should clearly mark their response as not for publication. Ofgem prefers to receive responses in an electronic form so they can be placed easily on the Ofgem website.

8. If the Authority decides to make the proposed modification it will take effect not less than 56 days after the decision is published.

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**Andy Burgess**  
**Associate Partner, Transmission and Distribution Policy**  
**Duly authorised on behalf of the Gas and Electricity Markets Authority**  
**5 February 2013**

**ANNEX 1 to NOTICE UNDER SECTION 23(2) OF THE GAS ACT 1986: PROPOSED MODIFICATION OF SPECIAL CONDITION 2D 'PERMIT ARRANGEMENTS FOR THE PROVISION OF INCREMENTAL CAPACITY' TO THE GAS TRANSPORTER LICENCE OF NATIONAL GRID GAS PLC**

**Special Condition 2D. Permit Arrangements for the provision of incremental capacity**

**Introduction**

- 2D.1 The purpose of this condition is to provide arrangements for the use of permits by the Licensee in relation to the provision of Incremental Obligated Entry Capacity and Incremental Obligated Exit Capacity (together 'incremental obligated capacity'), including the maximum value of permits available for the Formula Year commencing on 1 April 2013 of £19m (2009/10 prices) and, where directed by the Authority, including the maximum value of permits available for the Formula Year commencing on 1 April 2014 of £32.39m (2009/10 prices), which would be an addition of £13.39m.
- 2D.2 The effect of the application of the Permit Arrangements under this condition is to allow the Licensee:
- (a) to vary the date on which the Licensee is contractually obliged to provide incremental obligated capacity; and
  - (b) to obtain additional revenue for permits remaining at 31 May 2013 from the Legacy Permit Arrangements.
- 2D.3 The Licensee can use a permit to defer the delivery of one GWh per Day of incremental obligated capacity for a month or earn a permit for every one GWh per Day of incremental obligated capacity it delivers early by a month.
- 2D.4 The Licensee can use or earn multiple permits to defer or for delivery of any amount of incremental obligated capacity for a number of months subject to the provisions of this condition.
- 2D.5 Permits held by the Licensee at the end of the Formula Year commencing on 1 April 2013 will be usable by the Licensee in the Formula Year commencing on 1 April 2014, subject to the provisions of this condition and a direction from the Authority bringing the relevant provisions of this condition into effect.
- ~~2D.4~~2D.6 Part A sets out the provisions under which the Authority can bring specific provisions of this condition into effect by directing that permits may be used in the Formula Year commencing on 1 April 2014.
- ~~2D.5~~2D.7 Part BA sets out the provisions under which permits may be used and earned.
- 2D.8 Part CB sets out the level of permits applicable for use in the Formula Year commencing on 1 April 2013.
- ~~2D.6~~2D.9 Part D sets out the level of permits applicable for use in the Formula Year commencing on 1 April 2014.

2D.10 Part ~~EC~~ sets out the revenue earned by the Licensee for the Permit Arrangements where the Licensee is only allowed to use permits in the Formula Year commencing on 1 April 2013.

~~2D.7~~ Part F sets out the revenue earned by the Licensee for the Permit Arrangements where the Licensee is allowed to use permits in both the Formula Years commencing on 1 April 2013 and 1 April 2014.

2D.11

2D.12 Part ~~GD~~ sets out arrangements to allow the Licensee to obtain additional revenue for any permits under the Legacy Permit Arrangements remaining on 31 May 2013.

2D.13 The Licensee will be granted permits applicable for use in the Formula Year commencing on 1 April 2014 subject to a direction from the Authority, which would bring specific provisions of Part D and Part F into effect while causing specific provisions of Part E to cease being in effect.

2D.14 The provisions within this condition have effect in this Licence in accordance with the provisions of Part A below.

#### **Part A: Relevant directions with respect to this condition**

2D.15 The Authority may bring provisions in this condition into effect by issuing a direction for that purpose, similarly the Authority may direct that provisions in this condition cease to be in effect.

2D.16 A direction under paragraph 2D.15 may give effect to different parts of this condition in such manner as is specified in the direction and at such different times as may be so specified or are to be determined in accordance with its provisions.

2D.17 Any direction under paragraph 2D.15 that causes Part E to cease being in effect will bring Part F in to effect.

2D.18 Unless the Authority so directs under paragraph 2D.15, Part D and Part F will not be in effect.

#### **Part BA: Provisions for using and earning permits**

~~2D.8~~2D.19 The Permit Arrangements will apply, unless otherwise directed by the Authority in writing, for the Formula Year commencing on 1 April 2013 and, if applicable, 1 April 2014.

~~2D.9~~2D.20 Subject to paragraph 2D.~~21~~4, the Licensee may, with the consent of the Authority, vary the Entry Lead Time for any individual NTS Entry Point or vary the Exit Lead Time for any individual NTS Exit Point.

~~2D.10~~2D.21 Consent will be deemed to have been granted by the Authority under paragraph 2D.~~20~~10 if:

- (c) the Licensee is proposing to reduce the Entry Lead Time in relation to NTS Entry Points or the Exit Lead Time in relation to NTS Exit Points; or
- (d) the volume of capacity being deferred (in units of GWh per Day for each one month period) is, at Day n, less than the Licensee's permit entitlement PE<sub>n</sub> defined in paragraph 2D.~~26~~6 (within the Formula Year commencing 1 April

2013) and defined in paragraph 2D. 28 (within the Formula Year commencing 1 April 2014) of this condition.

~~2D.11~~2D.22 The Licensee must not vary the Entry Lead Time or Exit Lead Time by more than 24 months at any NTS Entry Point or NTS Exit Point in relation to a single variation event without seeking written consent to do so from the Authority (such consent must be sought in a timely manner).

~~2D.12~~2D.23 In relation to NTS Entry Points, the Licensee must seek written consent not later than 105 days before the start of the Annual Invitation Period.

~~2D.13~~2D.24 In relation to NTS Exit Points either:

- (e) for applications for Incremental Obligated Exit Capacity under the Annual Application Window, the Licensee must seek written consent not later than 90 days before the start of the Annual Application Window; or
- (f) for applications for Incremental Obligated Exit Capacity made outside the Annual Application Window consistent with the obligations under Special Conditions 9A (Entry Capacity and Exit Capacity Obligations and Methodology Statements) and 9B (Methodology to determine the release of Entry Capacity and Exit Capacity volumes), the Licensee must use reasonable endeavours to seek written consent not later than 90 days in advance of the application.

~~2D.14~~2D.25 The Licensee shall notify the Authority in writing and in a timely manner of each instance where it varies the Entry Lead Time or Exit Lead Time for incremental obligated capacity specifying:

- (g) the NTS Entry Point or NTS Exit Point affected;
- (h) the volume of capacity (in units of GWh per Day) for which the Entry Lead Time or Exit Lead Time is being shortened; or
- (i) the volume of capacity (in units of GWh per Day) for which the Entry Lead Time or Exit Lead Time is being lengthened.

**Part CB: Level of Permits Arrangements (1 April 2013 – 31 March 2014)**

~~2D.15~~2D.26 The Licensee's permit entitlement on Day n ( $PE_n$ ) (in units of GWh per Day for each one month period) for the Formula Year commencing on 1 April 2013 will be calculated in accordance with the following formula:

$$PE_n = 3800 + \sum_{v,n-1} DLTDVE_v$$

where:

$DLTDVE_v$  means the change in the Entry Lead Time or Exit Lead Time (in units of GWh per Day for each one month period) that arises from the variation event v as notified to the Authority pursuant to paragraph 2D.~~2010~~ of this condition.

v means the relevant variation event, where v=1 shall mean the first variation event notified to the Authority pursuant to paragraph 2D.~~2010~~ of this condition.

2D.27 For the avoidance of doubt:-

(j) where there have been no variations to the Entry Lead Time or Exit Lead Time ( $v=0$ ),  $DLTDVE_v$  will have the value zero (0); ~~and-~~

~~(k)~~ The Licensee's Permit Entitlement ( $PE_n$ ) in the Formula Year commencing on 1 April 2013 shall be adjusted by variation events notified to the Authority pursuant to paragraph 2D.20 within the Formula Year commencing on 1 April 2013.

#### **Part D: Level of Permits Arrangements (5 May 2014 – 31 March 2015)**

2D.28 The Licensee's permit entitlement on Day  $n$  ( $PE_n$ ) (in units of GWh per Day for each one month period) for the Formula Year commencing on 1 April 2014 will be calculated in accordance with the following formula:

$$PE_n = 6478 + \sum_{v,n-1} DLTDVE_v$$

where:

$DLTDVE_v$  means the change in the Entry Lead Time or Exit Lead Time (in units of GWh per Day for each one month period) that arises from the variation event  $v$  as notified to the Authority pursuant to paragraph 2D.20 of this condition.

$v$  means the relevant variation event, where  $v=1$  shall mean the first variation event notified to the Authority pursuant to paragraph 2D.20 of this condition.

2D.29 For the avoidance of doubt:

(l) where there have been no variations to the Entry Lead Time or Exit Lead Time ( $v=0$ ),  $DLTDVE_v$  will have the value zero (0) and;

(m) the Licensee's permit entitlement ( $PE_n$ ) in the Formula Year commencing on 1 April 2014 shall be adjusted by variation events notified to the Authority pursuant to paragraph 2D.20 within the Formula Years commencing on 1 April 2013 and 1 April 2014.

#### **Part EG: Revenue earned from Permit Arrangements (1 April 2013 – 31 March 2014)**

~~2D.162D.30~~ 2D.30 For the purposes of Part E of Special Condition 2A (Restriction of NTS Transportation Owner Revenue) the term  $PA_t$  shall be calculated in the Formula Year commencing 1 April 2015 as follows:

$$PA_t = \min[(PE_{end} \times \text{£}5,000), \text{£}19,000,000] \times PVF_{t-2} \times PVF_{t-1} \times RPIF_t$$

where:

$PE_{end}$  means the value of  $PE_n$  (in GWh per Day for each one month period) where Day  $n$  is 31 May 2014.

$PVF_t$  has the value given to it by Part D of Special Condition 2A.

RPIF<sub>t</sub> has the value given to it by Part D of Special Condition 2A.

~~2D.172~~2D.31 PA<sub>t</sub> will have the value zero other than in the Formula Year commencing on 1 April 2015.

**Part F: Revenue earned from Permit Arrangements (1 April 2013 – 31 March 2015)**

2D.32 For the purposes of Part E of Special Condition 2A (Restriction of NTS Transportation Owner Revenue) the term PA<sub>t</sub> shall be calculated in the Formula Year commencing 1 April 2016 as follows:

$$PA_t = \min[(PE_{\text{end}} \times \text{£}5,000), \text{£}32,390,000] \times PVF_{t-2} \times PVF_{t-1} \times RPIF_t$$

where:

PE<sub>end</sub> means the value of PE<sub>n</sub> (in GWh per Day for each one month period) where Day n is 31 May 2015.

PVF<sub>t</sub> has the value given to it by Part D of Special Condition 2A.

RPIF<sub>t</sub> has the value given to it by Part D of Special Condition 2A.

2D.33 PA<sub>t</sub> will have the value zero other than in the Formula Year commencing on 1 April 2016.

**Part GD: Legacy Permit Arrangements**

~~2D.182~~2D.34 For the purposes of Part C of Special Condition 3A (Restriction of NTS System Operation Revenue) the DELINC<sub>t</sub> term is derived in accordance with the following formula:

$$DELINC_t = RLTDVEN_{t-1} + RLTDVEX_{t-1}$$

where:

RLTDVEN<sub>t-1</sub> means the value of the entry permits held by the licensee on 31 May 2013 from the arrangements set out in Special Condition C8C (NTS System Operation Activity Revenue Restriction) paragraph 3(a) as it was in force in this licence as at 31 March 2013.

RLTDVEX<sub>t-1</sub> means the value of the exit permits held by the licensee on 31 May 2013 from the arrangements set out in Special Condition C8C paragraph 3(a) as it was in force in this licence as at 31 March 2013.

~~2D.192~~2D.35 DELINC<sub>t</sub> will have the value zero except in the Formula Year commencing 1 April 2013 when it will be calculated in accordance with the formula in 2D.~~3420~~.

~~2D.202~~2D.36 RLTDVEN<sub>t-1</sub> shall be calculated in accordance with the following formula:

$$RLTDVEN_{t-1} = \min[(LTDVEN_{\text{end}} \times \text{£}5,000), \text{£}8,256,960] \times RPIF_t$$

where:

LTDVEN<sub>end</sub> means the value of LTDVEN<sub>n</sub> (in GWh per Day for each one month period) where Day n is 31 May 2013 and is derived with

the following formula:

$$\text{LTDVEn}_n = 1440 + \sum_{v,n-1} \text{DLTDVEn}_v$$

$\text{DLTDVEn}_v$  means the change in the Entry Lead Time (in units of GWh per Day for each one month period) that arises from the variation event  $v$  as notified to the Authority by 1 May 2013.

~~2D.212D.37~~  $\text{RLTDVEx}_{t-1}$  shall be calculated in accordance with the following formula:

$$\text{RLTDVEx}_{t-1} = \min[(\text{LTDVEx}_{\text{end}} \times \text{£}274), \text{£}688,149] \times \text{RPIF}_t$$

where:

$\text{LTDVEx}_{\text{end}}$  means the value of  $\text{LTDVEx}_n$  (in GWh per Day) where Day  $n$  is 31 May 2013 and is derived with the following formula:

$$\text{LTDVEx}_n = 2190 + \sum_{v,n-1} \text{DLTDVEx}_v$$

$\text{DLTDVEx}_v$  means the change in the Exit Lead Time (in units of GWh per Day) that arises from the variation event  $v$  as notified to the Authority by 1 April 2013.



**ANNEX 2 to NOTICE UNDER SECTION 23(2) OF THE GAS ACT 1986: PROPOSED MODIFICATION OF SPECIAL CONDITION 3A 'RESTRICTION OF NTS SYSTEM OPERATION REVENUE' TO THE GAS TRANSPORTER LICENCE OF NATIONAL GRID GAS PLC**

**Special Condition 3A. Restriction of NTS System Operation Revenue**

**Part C: Calculation of Maximum NTS System Operation Revenue (SOMR<sub>t</sub>)**

3A.1 Maximum NTS System Operation Revenue, in Formula Year t, is derived in accordance with the following formula (in this condition, the “Principal Formula”):

$$\text{SOMR}_t = \text{SOBR}_t + \text{CM}_t + \text{TSS}_t + \text{DELINC}_t + \text{SOOIRC}_t - \text{SOK}_t$$

3A.2 In the Principal Formula:

SOMR<sub>t</sub> means the amount of Maximum NTS System Operation Revenue in Formula Year t.

SOBR<sub>t</sub> means the amount of Base NTS System Operation Revenue in Formula Year t as derived in accordance with the formula set out in Part D of this condition.

CM<sub>t</sub> means the revenue adjustment in Formula Year t in respect of Constraint Management as derived in accordance with Special Condition 3B (Entry Capacity and Exit Capacity Constraint Management).

TSS<sub>t</sub> means the revenue adjustment in Formula Year t in respect of NTS Transportation Support Services as derived in accordance with Special Condition 3C (NTS Transportation Support Services).

DELINC<sub>t</sub> means the permits revenue adjustment made in Formula Year t in respect of Legacy Permit Arrangements as derived in accordance with Part ~~GD~~ of Special Condition 2D (Permit Arrangements for the provision of incremental capacity).

SOOIRC<sub>t</sub> means the NTS System Operation Revenue External Incentive adjustment in respect of Formula Year t as derived in accordance with Special Condition 3D (NTS System Operator external incentives, costs and revenues).

SOK<sub>t</sub> means the correction term revenue adjustment in Formula Year t as derived in accordance with the formula set out in Part E of this condition.