

**Smell gas?**

Call the National Gas Emergency Service  
on 0800 111 999

Ofgem  
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Email: [reopenerconsultations@ofgem.gov.uk](mailto:reopenerconsultations@ofgem.gov.uk)

17<sup>th</sup> April 2025

Dear Eliska,

**Re: Proposal to modify the re-opener guidance and applications requirement document**

Thank you for the opportunity to respond to your consultation on the re-opener and applications requirement document. We outline below, and in Appendix 1, Northern Gas Networks (NGN) views on the consultation and response to specific questions.

NGN recognises the value in publishing information that is clear and transparent. Transparency is in the interest of consumers and NGN consistently strives to publish unredacted information wherever practical. We welcome and support the increased clarity provided by the proposed amendments to the Redaction Policy, however, we have concerns regarding the potential publication of information covered by Non-Disclosure Agreements, especially given the potential to impact on suppliers willingness to work with us in the future.

NGN supports, in principle, the introduction of a template to submit alongside re-opener submissions. This will increase consistency across the re-opener process, whilst also allowing for comparisons to be made across the sector. In its current form, the template is more appropriate for asset driven re-openers and non-asset applications would require some key information to be placed into supplementary information. We consider that the template requires additional modifications to improve it and make it applicable for a wider range of re-opener applications. We suggest and would welcome a further round of consultation on a second draft of the template prior to its introduction to ensure that it adequately captures the information required.

Please find our responses to the specific questions in Appendix One. If you have any questions, in relation to this response, please contact Katy Collister, Regulatory Manager, [kcollister@northerngas.co.uk](mailto:kcollister@northerngas.co.uk) who will be able to assist your queries.

Yours sincerely



Greg Dodd | Regulation and Strategic Planning Director  
Northern Gas Networks

we are  
the network

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## **Appendix One**

### **Re-opener Guidance and Application Requirements Document**

#### **1. Do you have any views on the proposed revisions to the Re-opener Guidance and Application Requirements Document?**

We welcome the move towards increased consistency for reopener submissions and have no specific comments to make on revisions made to the Re-opener Guidance and Application Requirements Document.

### **Appendix 12: Redaction Policy**

#### **2. Do you agree that a more comprehensive Redaction Policy is required purposes explained in section 1 (Introduction) of the proposed Redaction Policy?**

As a monopoly provider, we understand the consumer value in publishing information in an open and transparent manner and we always aim to publish as much information as possible. Where information is published in a heavily redacted manner without due cause, this can diminish the value of publishing of that information. The move towards a more comprehensive Redaction Policy is welcomed by NGN given it provides additional clarity to licensees regarding what constitutes suitable information to redact. This should increase consistency across the sector with regards to the type of information being published.

We note that the Redaction Policy makes several references to 'relevant information' throughout and yet this term is not defined. Clear definitions and guidance are needed to ensure consistency across the sector and ensure appropriate visibility for customers and stakeholders. Additionally, the Redaction Policy does not include a process which would allow networks to challenge any decision by Ofgem to publish information. Given the sensitive nature of some of the information involved, we consider that this is an omission.

#### **3. Do you have any views on the proposed approach as set out in section 2 (Approach to Redacting Information) of the proposed Redaction Policy?**

We welcome the increased clarity set out in Section 2 of the Redaction Policy.

#### **4. Do you agree with the three proposed redactable information categories? Are there any other categories that should be considered?**

We agree with the categories that are already set out in the Redaction Policy.

#### **5. Do you have any views on the redactable information category explanations set out in Annexes 1, 2, and 3?**

Yes, we are concerned around the wording set out in Annex 2 relating to Non-Disclosure Agreements (NDA) and legally privileged information. It would be beneficial if Ofgem could share its intentions in this area and further outline the issue that it is attempting to overcome so that we may consider whether this presents a suitable solution.

We understand the desire to prevent non-disclosure of 'relevant information' (though as noted above, this term is not defined), however, we have concerns around the implications of requiring information to be published that has been shared in good faith under an NDA. This Policy must not require genuinely confidential information to be published as to do so would put licensees at risk of breaching their NDAs. Should the section regarding NDAs remain, it should be made clear that NDAs can exist for different purposes and be required for confidentiality and national security reasons, as well as commercial sensitivity.

There is also a wider point to consider regarding the signals that this could send to the market, should licensees be required to publish information which a supplier would not want to be disclosed, it could have negative implications by reducing the pool of suppliers willing to work with us going forwards.

**6. Do you agree that the existence of a Non-Disclosure Agreement (NDA) should, in itself, not be sufficient reason for redaction or non-compliance with the policy (as explained in Annex 2)?**

Please see our response to Question 5.

**7. In your view, is the proposed scope of the redaction policy correct? Should it apply to all re-openers or should some mechanisms be excluded from scope?**

We note that Cyber has been excluded from scope. We agree with this given the sensitive nature of information contained within those applications and would suggest that the exclusion should also extend to re-openers relating to physical security.

It would be worthwhile considering how the Redaction Policy should apply to supplementary information and appendices which are submitted alongside re-opener applications.

**8. Do you agree with the process as set out in Section 4 (Process for Publications) for (a) Ofgem's publications, and (b) licensee's publications?**

With regards to the existing Publication and Redaction Requirements noted in paragraphs 2.4 to 2.7 of the Re-opener Guidance and Application Requirements Document, the current requirement is to publish the application within 5 working days of submitting a request to Ofgem. We note though that paragraph 4.1 of the Redaction Policy contradicts this and states: *"When making a submission containing information that the licensee considers to require redaction in line with the policy, the licensee should highlight areas it considers should be redacted, and explain the reasons it considers redaction is required. The licensee should provide both unredacted and provisionally redacted versions of the relevant documents/files to Ofgem."*

Providing redactions at the point of submission introduces procedural difficulties. In our experience, it can be challenging to meet the 5 working day current deadline. Introducing further steps requiring Ofgem to review redactions and provide its feedback to licensees for example is unlikely to be sufficient time. Additional clarity is required in this area and we would also welcome Ofgem extending this timeline to provide additional time to carry out any necessary redactions and provide the explanations for these

**9. Do you have any views on the General Consideration set out in section 5 (General Considerations)?**

We have no comments to make in relation to this question.

**Appendix 13: Re-opener Submission Template and Appendix 14: Instructions**

**10. Please provide your views on the split between direct and indirect costs on each of the 2\_Costs\_Section worksheets.**

As noted above, we are supportive of the introduction of a template given the consistency and clarity of information provided to Ofgem. However, we consider that the template requires some modifications to maximise the benefits that it can bring.

It would be beneficial to ensure that the cost categories included within this template align with the regulatory cost categories used in other regulatory reports to allow for cost benchmarking. We suggest that the Summary Totex in Table 1.01 of the Regulatory Reporting Pack (RRP) would provide a good starting point for this. The Re-opener template does not break down the costs between Opex, Repex and Capex currently. Expanding out the existing

cost categories to provide for the Totex view in this way would increase clarity of the reporting information. Additional non-cost related items such as FTE should also be considered as part of a standard template addition rather than encompassed within non-standard supplementary information as part of an application.

**11. Please provide your views on the split between Company Costs and Contractor Costs on each of the 2\_Costs\_Section worksheets.**

As above, we consider the separation of Opex, Repex and Capex would increase the value of the template.

**12. In your view is specific instruction required for any of the individual worksheets? Please provide as much detail as possible on what is required. We also welcome suggested draft text.**

We have no specific instructions to suggest.

**13. Do you have any views on the overall structure and design of the Reopener Submission Template?**

We note that the template is currently more applicable to re-openers which are asset driven, but in addition to this, the assets also appear to be more relevant to the electricity industry and would therefore require amendments to make the template applicable for gas network companies.

**14. Do you have any views on the scope and content of the Re-opener Submission Template?**

The template in its current form would not accommodate information for all types of re-opener submissions. In particular, the template would benefit from including a section relating to resourcing impacts which would allow licensees to include information relating to increases or decreases in staffing requirements as a result of the application, plus the associated costs. Currently this information would need to be included within the Supporting Data tabs.

We also note that the template includes a mandatory Cost Benefit Analysis (CBA). As there are a number of potential drivers for a re-opener application, not all of these are CBA driven, meaning it would be difficult to undertake a CBA for every re-opener. We would suggest that there should be flexibility afforded as to which elements of the template are to be completed to increase efficiency and applicability of the submission.