

## **NOTICE OF PROPOSAL TO REVOKE THE TRANSCO FINAL ENFORCEMENT ORDER DATED 19<sup>th</sup> FEBRUARY 1999**

In accordance with Section 29(5) of the Gas Act 1986 (Act) the Authority hereby gives notice of its proposal to revoke the order in relation to Transco plc (formerly named as BG plc) dated 19<sup>th</sup> February 1999 (Final Order) made under s.28 of the Act, in relation to the contravention and likely contravention of –

- (i) section 9(2)(a) of the Act (being a relevant requirement) as then enacted; and
- (ii) paragraph 1 of standard condition 11 of the Licence (being a relevant condition) in its then current form.

The Authority has consulted upon its intention to revoke the Final Order and to put in place new regulations and a licence condition for the reasons set out in the consultation documents entitled:

- (i) Improving Transco's provision of gas connection services-a consultation on revocation of the 1999 Gas Act Enforcement Order and modification of Transco's gas transporters licence (April 2004).
- (ii) Improving the provision of gas connections services by gas transporters-
  - Revocation of the 1999 Gas Act Enforcement Order
  - New overall standards of performance via new standard special licence condition
  - New guaranteed standards of performance via amendment of the Gas (Standards of Performance) Regulations 2002

Consultation and Update a document containing draft standard special licence condition and informal consultation (December 2004); and

- (iii) Revised standards of performance arrangements for licensed gas distributors- Consultation on the draft statutory instrument (January 2005).

The Authority proposes to revoke the Final Order at the time of coming into operation of, with the consent of the Secretary of State, the proposed Gas (Standards of Performance) Regulations 2005 which is presently expected to be 1<sup>st</sup> May 2005. The new overall standards of performance are intended to be contained in a new standard special licence condition of gas transporter licences referred to in the notices under section 8AA and section 23 of the Act issued on 14 February 2005. If for any reason such condition is not able to be introduced into those licences on the date upon which the regulations come into force, the Authority have obtained agreement from Transco that, for itself and its subsidiaries, it will act in accordance with the proposed conditions from that date until such modification is made.

The consultation period for this notice shall be 28 days. Responses to this notice should be submitted to Roger Morgan ([roger.morgan@ofgem.gov.uk](mailto:roger.morgan@ofgem.gov.uk)) by 1<sup>st</sup> April 2005.