

Sonia Brown  
Director, Markets  
Ofgem  
9 Millbank  
London SW1P 3GE

Your ref 153/05  
Our ref OG007  
Name Stephen Rose  
Phone 01793 892068  
Fax 01793 892981  
E-Mail [stephen.rose@rwenpower.com](mailto:stephen.rose@rwenpower.com)

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**Information release under Gas Transporters Licence Standard Special Condition A7**

Dear Sonia,

RWE npower welcomes the opportunity to comment on the above guidance document.

We support Ofgem's decision not to change the existing regulatory arrangements relating to information release under the UNC and to revoke the temporary informal derogation given to Transco. We are also pleased that Ofgem have taken the opportunity to provide guidance to shippers and interested parties on how they will interpret UNC modification proposals concerning information release in a timely manner.

We believe that the guidelines represent a fair and reasonable interpretation of the considerations the Authority could be expected to give to any UNC modification proposal which sought to release confidential and commercially sensitive information to the market in order to improve market efficiency. Whilst not legally binding upon the Authority, we would expect them to follow these guidelines in all foreseen circumstances. We would also expect them to take a constructive approach when addressing the concerns of affected parties concerning confidentiality and market sensitivity of information, and in assessing how these concerns can best be mitigated.

We note that the guidance notes do not rule out the possibility that Ofgem may approve implementation of a modification proposal requiring release of information even if that information has been provided to the transporter on a confidential basis. However we also note they make it clear that this would only occur if it could be demonstrated that in doing so it would better facilitate the achievement of the UNC relevant objectives, and that this would be unlikely to be the case if approval of the proposal threatened the continued provision of such information.

With this in mind we do not believe it appropriate for Transco to include the right to withhold confidential information within any such a modification itself (as they have done in the draft legal text accompanying UNC modification proposal 006) as this could negate the benefit arising from the modification proposal. It also undermines Ofgem's intention to give due consideration to the issue of confidentiality as part of their approval decision.

Yours sincerely,

Steve Rose

RWE npower

Trigonos  
Windmill Hill Business  
Park  
Whitehill Way  
Swindon  
Wiltshire SN5 6PB

T +44(0)1793/87 77 77  
F +44(0)1793/89 25 25  
I [www.rwenpower.com](http://www.rwenpower.com)

Registered office:  
RWE Npower plc  
Windmill Hill Business  
Park  
Whitehill Way  
Swindon  
Wiltshire SN5 6PB

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and Wales no. 3892782

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