

Purpose of licence condition

1. The purpose of this condition is to set out the obligations of the licensee from [from 1 April 2007] relating to entering into gas entry agreements in respect of gas entry points to the pipe-line system to which this licence relates.

Requirement to offer terms for gas entry points

2. The licensee shall (subject to paragraph [5]) offer to enter into a gas entry agreement (unless the Authority otherwise consents) on receiving an application on or after [1 April 2007], made by any person (the "applicant") of an application containing all such information as the licensee may reasonably require for formulating the terms of the offer.

3. In making an offer pursuant to paragraph 2 of this condition, the licensee shall set out the terms on which the licensee shall permit gas to be introduced in to the pipeline system to which this licence relates, including:

- a. the date (not being earlier than 1 October 2007) when the licensee shall allow gas to be introduced into the pipe-line system to which this licence relates by means of the gas entry point in respect of which the application was made (time being of the essence, unless otherwise agreed by the ~~applicant~~); Deleted: person making the application under paragraph 2)
- b. terms that offer the maximum ~~and minimum flow rates that can be accepted~~ by the transportation system at the time of the offer, unless the applicant person requests a ~~flow rate outside these limits~~; Deleted: available
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- c. terms that require the applicant to pay the licensee's reasonable costs incurred through making any necessary reinforcement to the pipe-line system to which this licence relates or carrying out any other activities which are necessary to enable the gas entry point be made available to the applicant; Deleted: lesser amount of capacity than the maximum available
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- d. terms that allow the licensee and the applicant to refer any dispute arising over the variation of the terms of the gas entry agreement to the Authority to be settled pursuant to paragraph 8 of this condition; and Deleted: person
- e. such other detailed terms in respect of each gas entry point as are or may be appropriate for the purposes of the gas entry agreement.

4. The licensee shall offer terms for agreements in accordance with paragraph 2 as soon as reasonably practicable and (except where the Authority consents to a longer period) in any event not more than [6 months] after receipt by the licensee of an application containing all such information as the licensee may reasonably require for the purpose of formulating the terms of the offer.

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5. The licensee shall not be obliged pursuant to this condition to offer to enter into any agreement if to do so would be likely to involve the licensee being:

- a. in breach of its duties under section 9 of the Act;
- b. in breach either of any regulations made under section 18 of the Act or of any other enactment relating to safety or standards applicable in respect of its transportation business;
- c. in breach of the licensee's network code; and
- d. in breach of the conditions of this licence or any other licence granted or treated as granted under Section 7 of the Act and held by the licensee.

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Non-discrimination

6. In carrying out the provision gas entry points the licensee shall not unduly discriminate between any persons or class or classes of persons.

Determination of disputes

7. If, after a period which appears to the Authority to be reasonable, the licensee has failed to enter into a gas entry agreement with a particular applicant, the Authority may on application of such applicant or the licensee, settle any terms of the agreement in dispute between the licensee and that person in such manner as appears to the Authority to be reasonable.

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8. If either the licensee or any other party to such agreement proposes to vary the contractual terms of any gas entry agreement, entered into pursuant to this condition, in any manner provided for under such agreement, the Authority may, at the request of either the licensee or other party, settle any dispute relating to such variation in such manner as appears to the Authority to be reasonable.

Publication of principal terms

9. The licensee shall publish as soon as reasonably practicable but no later than one month from the date on which it enters into a gas entry agreement, the principal terms of that agreement, provided that the licensee shall not be required by this condition to publish any information which is subject to an obligation of confidentiality between the parties to the agreement.

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Definitions

10. In this condition:

<p>"gas entry point"</p>	<p>means a point at which gas may be introduced by a third party into the pipe-line system to which this licence relates, but shall not include any point at which such pipe-line system is connected to the pipe-line system of the <u>either the NTS operator or a DN operator</u>.</p>	<p>Deleted: s</p>
<p>"gas entry agreement"</p>	<p>means an agreement made on or after 1 April 2007, between the licensee and another person for connection to the pipe-line system to which this licence relates at a gas entry point for the purpose of introducing gas into that pipe-line system and/or the delivery of gas onto that pipe-line system.</p>	<p>Deleted: 6</p>
<p>"maximum <u>and minimum flow-rates</u>"</p>	<p>means the <u>maximum and minimum</u> quantity <u>of gas</u> which the licensee determines <u>can be accepted onto its pipe-line system under either (i) high demand conditions (maximum flow) or (ii) low demand conditions (minimum flow) respectively.</u> <u>In determining the maximum and minimum flow rates, the licensee shall have due regard to the temperature, pressure, chemical composition, CV, and Wobbe Number of the gas which the applicant is proposing to introduce onto the licensee's pipe-line system</u>.</p>	<p>Deleted: available capacity</p>
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