MINUTES

Network Code on Harmonised Transmission Tariff Structures for Gas

ENTSOG Stakeholder Joint Working Session 3

14 March 2014 from 10:00 – to 17:00

At ENTSO-E Conference Centre, Av. de Cortenbergh 100, Brussels

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CEFIC & IFIEC	Dirk Jan Meuzelaar	Gasunie Deutschland	Ksenia Berezina
Centrica Storage Ltd	Roddy Monroe	Gazprom M & T	Alex Barnes
CRE	François Leveille	GDF SUEZ	Claude Mangin
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National Grid	Colin Hamilton	TAQA	Robert Jan Maaskant
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Open Grid Europe	Stephanie Ruhland	Vattenfall	Helga Norrby
RWE Supply & Trading	Stephen Rose	VCI / Cefic	Alexander Kronimus

ENTSOG also provided a webcast facility for those unable to attend in person.

1. OPENING

> **Welcome / Introduction; Process Update**

Ms Ann-Marie Colbert welcomed the participants to the 3rd TAR NC SJWS. The objectives of SJWS 3 were indicated to be as follows: (i) to discuss the topics of Revenue Recovery, Transmission Tariffs to/from Storages and VIP tariffs, (ii) to discuss the Business Rules on Cost Allocation (part 1) and Interruptible Capacity tariffs and (iii) to encourage inputs and suggestions from the stakeholders. It was noted that the business rules are interim rules for discussion with all stakeholders at the SJWSs and that feedback on the business rules is important to help ENTSOG to develop the draft NC.

2. REVENUE RECONCILIATION

2.1. Overview

Ann-Marie Colbert presented ENTSOG's view on how the revenue is reconciled, taking into account the revenue recovery chapter in conjunction with the cost allocation chapter and the definition of transmission services. Some questions on the single regulatory accounts/sub-accounts management were listed.

2.2. ACER's presentation

François Leveille presented an overview of the Revenue Reconciliation Chapter of the TAR FGs. The functioning of the regulatory account under revenue cap regimes was explained. It was noted that only one single regulatory account shall be implemented; additionally, NRAs may decide to use a specific account for any over-recovery resulting from auction premium. The reconciliation of the regulatory account is done through adjustments of the reference price, calculated in accordance with the cost allocation methodology. NRAs shall determine or approve how often and how fast the regulatory account has to be reconciled. Shorter reconciliation periods will be preferred, where possible. At non-IPs, NRAs have the possibility to use alternative methodologies to reconcile the regulatory account, respecting the principle of avoiding cross subsidies between cross border and domestic flows. In systems using a commodity charge to recover the flow based costs, NRAs may decide to use this charge to reconcile the share of the regulatory account allocated to the non-IPs. Under price cap regimes, the only issue relevant is that the potential auction premium shall be logged on to the regulatory account.

2.3. Stakeholders' views

Claude Mangin presented Eurogas' views at this stage of the process, requesting more details on the rules regarding how often and how fast the regulatory account shall be reconciled and how the regulatory account could be reconciled between the entry and exit points. Since the bookings on points to/from storages and exit towards end customers are typically stable, floating tariffs could be seen as unfair on those points.

2.4. Discussion

Q: In which situations are sub-accounts allowed? How is the reconciliation applied when non-capacity charges for revenue recovery are applied at non-IPs?

A: Sub-accounts are always allowed as an instrument to track different items of the revenue. For non-IPs, when non-capacity charges are applied, the part of the under/over recovery allocated to these points can be tracked separately. However, all the under or over recoveries shall be aggregated at the end into one regulatory account and distributed in accordance with the chosen cost allocation methodology, in order to preserve tariff stability as much as possible. It was clarified that sub-accounts and separate accounts for auction premium are two separate notions.

Q: The outcome of the cost allocation methodology results in capacity charges for all points. For non-IPs, how will the charges such as non-capacity charges related to revenue recovery purposes be determined?

A: The initial cost allocation methodology will determine which share of costs will be allocated to IPs and which share to non-IPs. Under/over recoveries can be reconciled at non-IPs using non-capacity charges (without previously separating under/over recoveries specifically related to the share allocated to non-IPs, as the concept of one single regulatory account shall be respected also in this case). This alternative charge can be applied from the start of the implementation of the NC, if under recovery has taken place in the previous year/period. ACER will provide ENTSOG with a numerical example for further clarification on how to apply these non-capacity charges at non-IPs.

Q: The reconciliation mechanism could be seen as contradictory with the objective, included in the EC letter, of avoiding cross-subsides. Could sub-accounts be used for tracking cross-subsidies?

A: It is not contradictory as in the EC letter, other objectives are listed and some trade-offs need to be made, but ACER is precisely addressing all the objectives set in the letter via the different sections of the FGs. The cost allocation test is a tool to track any potential cross-subsidies.

Q: Transparency over the sub-accounts and its elements, especially in the case of substantial under recovery, is crucial. Sub-accounts by classes of entry and exit points could be positive.

A: Yes, transparency on the different kinds of expenditures shall be preserved. Sub-accounts by individual points are not relevant.

Q: To preserve tariff stability during the regulatory period and avoid cross subsides, another way of reconciling the revenue with the same shipper that booked capacity could be considered, such an ex-post amendment of the tariff that has been paid during that year.

A: ACER's view is that concentrating under/over recovery at specific points could be negative for the system, increasing the problem over time.

Q: How does the mechanisms for revenue reconciliation work when TSOs use benchmarking as a secondary adjustment?

A: It depends on whether the system is price cap or revenue cap. In any case, if under recovery occurs, significant cross subsidies could be generated, but the cost allocation test shall prevent that. ACER notes that this could be a problem, and tried to prevent it by including the obligation for NRAs to publish any points that are benchmarked and to communicate it to the Agency.

Q: What is the justification for different levels of incentives for under or over recovery?

A: NRAs can decide on how to apply different incentives for the TSOs (e.g. to reduce an expenditure or to produce a good forecast). Incentives shall be defined by NRAs, allowing for example TSOs to keep a share of the benefits when the agreed target is reached.

Q: For the revenues related to activities excluded from transmission services, does the rule of a single regulatory account apply?

A: No, the rule of one regulatory account won't have to apply for those revenues, as they are out of scope of the FGs.

Q: Benchmarking is an instrument to have efficient costs; it should be simple and transparent enough.

A: Efficiency benchmarking of costs of the TSOs is out of scope of the FGs. Benchmarking of tariffs is a different thing, allowed in the FGs as a complementary step to any main methodology.

Q: Is the entry exit split an input or an output of the methodology? Is a 50/50 split the general principle?

A: Depending on the methodology chosen, it can either be an input or an output. When the split is an output of the methodology and is not 50/50, it should be justified.

3. TRANSMISSION TARIFF TO/FROM STORAGES

3.1. Overview

Ann-Marie Colbert presented the TAR FGs requirements on the topic and some examples of transportation tariffs for storages applied in different Member States. The balance between the potential costs and benefits created by storage facilities shall be considered.

3.2. Stakeholder Views

Dirk Jan Meuzelaar presented IFIEC/CEFIC views on the topic. It was expressed that, although storages can contribute to lower investments in transportation networks, this is not a justification for special treatment but part of the business model. IFIEC/CEFIC are against exemptions for storages and LNG-terminals.

Philipp Palada presented GIE's views on the topic. The transmission tariffs to/from storages shall reflect that in using the network, a storage user has already paid entry and will pay exit. The main principles for setting transmission tariff to/from storages should be harmonised, taking into account that those tariffs shall cover the costs related to the integration of storages into the system and operational costs to transport gas to/from storage, but weighted against the benefits that storage provide to the transmission system. Currently, the treatment differs widely across EU, which shows that there are reasons to consider special treatment as appropriate.

Claude Margin presented Eurogas' views. Transmission tariffs to/from storage points should be cost-reflective. Taking into consideration the main drivers generally used to calculate tariffs such as distance, these transmission tariffs will be lower than the tariffs for other points 'per se', as storage is usually closer to consumption zones.

3.3. Discussion

Q: Are storages an integrated part of the regulated system?

A: The transmission tariff should not depend on whether storages are regulated or not. Cost reflectivity shall be respected in every case. When network users have to pay twice (two entries and two exits), cost reflectivity is not achieved, as recognised in ACER's Initial Impact Assessment published in 2012.

Q: Most of the time, storages are located nearer the consumption zones than entries and contribute to an efficient use of the grid. But what happens when this is not the case?

A: The tariffs shall take into account the benefits in a transparent manner; the level of those benefits will always depend on where the storage is located.

Q: Is the decision on the appropriate level for transmission tariffs to/from storages left up to national level? In the text it is specified that NRAs shall minimise any adverse effects on cross-border flows, which adverse effects is this trying to avoid and is there any specific concern?

A: Yes, given the current text, the final decision on these rules is left to NRAs. Once the decision is taken, the cost allocation test shall assess whether those rules could potentially create cross subsidies between cross border and domestic points, which shall be avoided.

Q: To define cost drivers in an entry exit system is not an easy task; distance might not be the right cost driver.

A: Yes, it is difficult to identify costs drivers, but harmonisation at EU level of certain principles for these tariffs could be appropriate.

Q: The current wording leaves the final decision at national level. Could the Network Code include the proposed harmonised principles?

A: ACER welcomes the discussion on the topic. To define a harmonised rule was deemed not appropriate after having analysed the different types of storages, their different locations and the different systems in place. This is the reason behind the decision to leave the final decision up to national level.

Q: Why should the benefits of storages be considered upfront, even when there is no scarcity in the system?

A: Otherwise, non-storage users would pay higher tariffs at entry points because the investment needed for the peak demand would be higher.

- E.On Gas Storage, TAQA, GDF Suez Infrastructures and Eurogas indicated support for GIE's proposal.

- IUK indicated that a level playing field for all flexibility sources shall be ensured, including interconnectors.

- Gas storages are used in the majority of cases in a rational way providing efficiency to the corresponding gas transmission system. However, when this is not the case, the situation forces TSOs to make inefficient investments.

- When storages are fully integrated, TSOs can effectively control the gas coming in and out of the facility. However, it was noted that in certain cases, market participants understand the integration could stand as a market barrier. Whether the ownership plays a role on the issue of transmission tariffs to/from storages was discussed.

4. VIPS TARIFFS

4.1. Overview

Irina Oshchepkova presented ENTSOG's considerations on the topic of VIP tariffs, focusing on the situation where there is more than one TSO at one side of the border. In this situation, the CAM NC states that the VIP shall include all of the TSOs involved, to the extent possible. In the TAR NC, ENTSOG shall include mathematical formulations for the combination mechanisms of the reserve prices. The VIP tariff depends on which parameter is used to weight the average of the tariffs. Where VIPs can be established according to the rules stated in the CAM NC, a possible example for this combination is a weighted average taking into account the capacity booked per IP, when they were marketed separately. It was noted that averaged tariffs could be in contradiction with European competition law and could potentially have negative consequences for cross-border trade for shippers. The creation of VIPs with more than one TSO involved on one side of the border creates uncertainty regarding contractual partners for existing and new contracts and regarding the allocation of revenue gained from VIP contracts between the TSOs involved.

4.2. Stakeholder Views

Claude Margin presented Eurogas' views. The creation of VIPs could be detrimental for shippers if they have to face a tariff increase because of the creation of the VIP. One should therefore carefully assess the implementation of VIPs taking into account the rules stated in the CAM NC. Clarification on which points VIPs will or could be created according to CAM NC and when this will happen is welcome. In any case, Eurogas suggests that when a VIP is created, mitigating measures must be offered such as termination of the capacity contract and/or tariff protection.

Kees Bouwens presented some views on the topic of VIPs. When averaging the tariffs at one side of the border with multiple TSOs, the resulting single tariff would remove incentives for transport optimisation without clear benefits on the other hand. Therefore, creating a VIP in this situation would not be appropriate; however, benchmarking of tariffs could be considered in those situations.

4.3. Discussion

Q: Will more capacity be offered by the creation of a VIP?

A: One of the conditions set out in the CAM NC to establish a VIP is that the technical capacity at the VIP shall be equal to or higher than the sum of the technical capacities at each of the IPs involved.

Q: The prices at IPs are a result of the cost allocation methodology and the forecasted bookings. The allowed revenue of TSOs (i.e. the costs to be allocated) depends on the different depreciation situations of the assets. The use of benchmarking i.e. setting the tariffs at the level of the lowest tariff could imply under recovery in revenue cap systems. Moreover, benchmarking cannot be applied if the TSO operates only that cross border point; since as revenues are guaranteed, cross subsidies between domestic and cross border flows will be generated.

A: Benchmarking could be used as a tool to increase your bookings at those points where it is applied, and therefore more revenue will be recovered and cross subsidies won't be generated. Moreover, it was noted that any under recovery will be allocated to all points via the application of the cost allocation methodology. This will allow keeping competition and efficiency in these points.

Q: How will this benchmarking concept be applied for TSOs that operate in the same entry exit zone and are in competition? How does that affect the overall tariff setting of TSOs?

A: ENTSOG has not considered this idea yet. ENTSOG thinks that further discussion is needed in relation to how the price could work in cases where there is competition.

Q: Is there anything that could be done to preserve the interests of the TSO with the lower costs, when averaging the tariffs of both TSOs at one side of the border?

A: In this case, competition at that point will be diluted when averaging the tariff, which could generate problems for the Entry/Exit systems where there is competition amongst TSOs. It was noted that the conditions where it is appropriate to implement VIPs are set out in the CAM NC, which is already existing law. The competition issue should be given further consideration by the relevant parties.

Q: Many questions arise when considering the creation of VIPs within German borders. The advantages of creating VIPs in Germany were questioned by some German TSOs. Article 19(9) of CAM NC could be considered contradictory with German national competition law.

A: ACER has investigated whether German TSOs are in competition. In discussions with DG COMP and taking into account German law, ACER came to the conclusion that there isn't competition and drafted the FGs based on that conclusion. However, when this decision was taken, the merger of entry exit zones into multi-TSO market areas in Germany had effectively not taken place yet. The EC will follow up on the issue together with DG COMP, ACER and ENTSOG, a meeting might be organised in order to reach a final conclusion before the network code is finalised. Merging entry exit zones is on the agenda of the Gas Target Model.

INTERRUPTIBLE CAPACITY & NON-PHYSICAL BACKHAUL

4.4. Overview

Violeta Bescós Roy presented ENTSOG's current view on the pricing of interruptible capacity / non-physical backhaul capacity. The main ideas in the chapter of the Business Rules on this topic, which were published beforehand on ENTSOG's website, were described. The option chosen for 'Risk' assessment and the alternative of pricing within-day products as daily products were presented. Interruptible capacity at uni-directional points, in whichever direction offered, shall be priced using the same methodology as interruptible capacity offered at bi-directional points. Marginal pricing of non-physical backhaul capacity can create cross-subsidisation when competing TSOs offer forward products and non-physical backhaul products in parallel at different IPs connecting the same entry-exit systems.

4.5. Stakeholder Views

Claude Mangin presented Eurogas' views. Interruptible capacity and non-physical backhaul capacity should be priced via an ex-ante discount greater than the probability of interruption. However, the discount for non-physical backhaul capacity could be greater, to reflect its different nature. It may be positive to harmonise the level of the parameter 'a' for the ex-ante discounts at an EU level. Ex-posts discounts don't take account of the costs a shipper would have to put in place to cope with potential interruption.

Kees Bowens presented his views on the topic. The Tariffs NC should provide a clear default rule for the pricing of interruptible capacity products. Zero reserve prices for interruptible capacity products shall be considered. The auctions will determine the final price that adequately reflects the risk of interruption. TSOs should be incentivised to maximise the firm capacity offered.

Steve Rose provided his views on this topic as a Prime Mover. TSOs should be incentivised to maximise the firm capacity offered to the market, therefore Steve believes that interruptible capacity should have a default zero reserve price in all auctions if firm capacity is sold out. The formulas for Risk Assessment presented by ENTSOG are too methodological. Transparency requirements will enable shippers to make their own judgement of the risk of interruption. Instead of trying to estimate the Risk via a formula, which complicates things, interruptible capacity could always be sold subject to a particular range of ex-ante discounts. Ex-post discounts should not be an option, no justification on why they are needed has been provided.

4.6. Discussion

Q: If the ex-post discount possibility is removed, this will force TSOs to reduce their offer of interruptible capacity and offer interruptible only if firm capacity is sold out. Otherwise, the risk of losing revenues by offering interruptible capacity with an ex-ante discount would be too high. Moreover, the risk of interruption at an IP differs for each product and for each contract, ex-post discounts help in handling this complicated situation, reflecting the risk in an appropriate manner.

A1: By offering interruptible capacity with a zero reserve price, TSOs are incentivised to offer more firm capacity. The auction mechanisms will reflect the real value of the product for shippers. Ex-post discounts only, are not sufficiently attractive to the market.

A2: Whether a zero reserve price for interruptible capacity is reasonable is questionable, it reduces the choice for shippers. Long term interruptible capacity is offered in some markets across EU and it has an added value for all market participants that the zero reserve price does not capture. Congestion Management Procedures (CMPs) allow TSOs to offer more firm capacity, but it is not possible to change all interruptible capacity into firm capacity; CMPs address the issue of contractual congestion, but not the issue of physical congestion. CMPs incentivise TSOs to offer more firm capacity, therefore increasing the probability of interruption of interruptible capacity products.

A3: A proposal could be to have a differentiated approach for the pricing of interruptible products when Over Subscription and Buy Back (OSBB) is in place. Where TSOs apply an OSBB mechanism, a zero reserve price is appropriate. It maximises the incentive on TSOs to release firm capacity and to oversell capacity.

Q: For non-physical backhaul, any zero reserve price would potentially create cross subsidies between forward flow shippers and reverse flow shippers. The costs of the IP should be allocated fairly between shippers in both directions, including a discount for the users of the backhaul capacity product, due to its interruptible nature. Moreover, marginal pricing or zero reserve pricing would force TSOs to offer less of this type of capacity. Otherwise, backhaul capacity would compete with firm capacity, where stable flows in the opposite direction are taking place.

A1: When gas is flowing in an efficient manner, reverse flows won't be used much. Therefore, a reduction in the prices will be positive to increase liquidity. Day-ahead interruptible auctions will be carried out once all firm auctions (except within-day) are finished. Zero reserve prices will help to optimise the flow between the two markets. However, it was noted that currently physical flows are not always flowing in an efficient manner from the cheaper market to the most expensive one, for reasons such as technical congestion.

A2: ACER welcomes the discussion about the inter-connections between CMPs and interruptible capacity. With regards to non-physical backhaul, where there are stable flows in the forward direction, it could be possible for the TSOs to offer backhaul capacity as firm capacity. ACER considers that the marginal pricing is in line with the Regulation. Non-physical backhaul capacity is offered where no technical capacity is offered and it can affect overall system costs in a positive way. The marginal pricing approach taken in the FGs, reflects these other elements.

A3: The marginal pricing approach for non-physical backhaul is explicitly not reflecting the probability of interruption, and therefore not in line with Gas Regulation.

> Surrender of contracted capacity or secondary markets are also instruments to be used by shippers in order to manage their risks when booking capacity at IPs.

> If interruptible capacity is offered at each point only when firm is sold out at that point, it was questioned whether the offer should be based on bookings only on that point or on other points in competition also. Potential cross-subsidies could be created between competing points if interruptible capacity is offered at a zero reserve price.

5. COST ALLOCATION METHODOLOGIES

5.1. Overview

Laurent De Wolf and Jean Dubard presented the Cost Allocation Business Rules (part 1). The circumstances influencing the choice of a cost-allocation methodology, the methodology counterfactual and the cost allocation test are the three main pillars underpinning the choice of a cost allocation methodology. ENTSOG's proposal for the definition of 'transmission services' and different ways to simplify the network representation were explained. Finally, an overview of the different inputs for the cost allocation methodology was presented.

5.2. Stakeholder Views

Dirk Jan Meuzelaar presented IFIEC/CEFIC concerns on the TAR NC, considering it insufficient to contribute to the performance of the 3rd Package. Allowed revenues should have been part of the TAR NC; the current proposals are insufficient to support the efficiency of costs, cost-reflectiveness, non-discrimination and cross-subsidisation. Moreover, current proposals probably won't lead to the necessary price reductions and increases in competition.

5.3. Discussion

Q: A proposal to increase the confidence of shippers could be to provide clarity on the different variables that the cost allocation methodologies use, providing sensitivity analysis of the different final outcomes.

A: To allow stakeholders to understand the rules for cost allocation is the most important improvement that this work will provide to the market. The publication of the counterfactual methodology and the cost allocation test allow NRAs and TSOs to justify the trade-offs for the chosen cost-allocation methodology. The matrix methodology needs the fixing of some details that can have an impact on the final outcome, but the FGs are addressing this by setting three different constraints to help find a unique solution for the methodology. The network representation will also have an impact on the final tariffs; ENTSOG is working in the right direction on this topic.

Q: In Germany, there is currently a discussion about the re-engineering of the German transmission network to run on H-gas. My understanding is that it is envisaged that this is financed by a separate capacity charge applied to all points within Germany. This implies a lengthy process with large amounts of capital involved. However, quality conversion is out of the scope of the FGs according to ENTSOG's proposal presented today. Why isn't it included in the 'transmission services' definition?

A: The way this new charge will be treated within Germany is not decided yet. In any case, the definition ENTSOG is proposing will need to be discussed at a national level to see what is to be considered as transmission services in each country.

Q: In ENTSOG's proposal, the dedicated services have been excluded from the transmission services definition. Our understanding is that for those services excluded, there is freedom at national level on how to charge those costs and to which subsets of points.

A: Yes, this is ACER's understanding. If there are concerns on how the exclusions will be treated, other vehicle than the TAR NC will have to be employed to raise the concerns.

Q: Which activities is ENTSOG referring to when excluding local/regional transmission activities from the transmission services definition?

A: This will be assessed at national level because the limit between transmission and distribution is not the same in each country.

- Allowed revenues are out of scope of the FGs, following the subsidiarity principle. The discussion here shall be focused on how to allocate the costs.
- NRAs are independent authorities, as stated in the 3rd Package.
- EC indicated that it is positive to discuss the different trade-offs that this process sets out, such as competition and transparency, in order to find the appropriate way forward.
- It was noted that metering shall always be excluded; otherwise cross-subsidies could be created. With regards to balancing costs, they are excluded as in the Balancing NC it is stated that any costs and revenues derived from this activity have to be neutral and that it cannot be mixed with the capacity charge. Therefore, the costs related to balancing activities cannot be part of the cost allocation methodology.

6. CONCLUSIONS

- **Information about the topics to be discussed at TAR NC SJWS 4**

Ann-Marie Colbert indicated the topics to be discussed at SJWS 4: (i) Cost allocation Business Rules part 2 (ii) Multipliers and Seasonal Factors Business Rules; (iii) CAM related topics; (iv) General provisions; (v) Transparency.

- **Summing Up; Closing Remarks**

Ann-Marie Colbert thanked the participants for their contribution to the discussions. The draft slides for the next SJWS will be uploaded onto ENTSOG's website a couple of days before the meeting. The participants were invited to register for TAR NC SJWS 4.

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Next TAR NC stakeholder meeting (SJWS 4): **26 March 2014**

ALL DOCUMENTS RELATING TO THIS MEETING CAN BE FOUND ON THE ENTSOG WEBSITE AT http://www.entsog.eu/events/tariff