

DCP 214 Legal Text

Change Proposal Voting – Option 4

Amend Clauses 12.8 to 12.17 as follows -

**Weighted Votes**

12.8 The vote of each Group shall be allocated a weighting expressed as a percentage of the votes of all of the Groups within the same Party Category ~~who voted~~ (the **Weighted Vote**), which weighting shall be calculated in accordance with the provisions of Clauses 12.9 to 12.16.

12.9 In the case of:

12.9.1 the Party Category comprising the IDNO/OTSO Parties; ~~or~~

12.9.2 the Party Category comprising the Gas Supplier Parties; ~~or~~

~~12.9.3 any other Party Category where five or fewer Groups in that Party Category east their vote,~~

each Group in the Party Category shall have an equal Weighted Vote, calculated by dividing 100% by the number of Groups within that Party Category ~~who east their vote~~.

12.10 Except where Clause 12.9 applies, the Weighted Vote of each Group shall be calculated as follows:

$$WV = V + SV$$

where:

**WV** is the Weighted Vote;

**V** is an initial allocation of a weighting to the vote of that Group (the **Basic Vote**), calculated in accordance with Clause 12.11; and

**SVA** is an adjustment factor (expressed as a percentage), designed to reallocate between the Parties in a Party Category the Basic Vote of any Party in that category that is greater than 20% (the **Surplus Vote Adjustment**), and calculated in accordance with Clause 12.13.

**Basic Vote**

12.11 For the purposes of Clause 12.10, the Basic Vote (**V**) shall be calculated as follows:

$$V = \frac{N}{TN} \times 100\%$$

where:

**N** is (subject to Clause 12.12):

- (a) in respect of a Group comprised of DNO Parties, the aggregate number of Metering Points which each such DNO Party has on its MPAS Registration System;
- (b) in respect of a Group comprised of Supplier Parties, the aggregate number of Metering Points against which those Suppliers are registered across all of the MPAS Registration Systems; and
- (c) in respect of a Group comprised of DG Parties, the sum of the Maximum Export Capacities of all of the Entry Points relating to Metering Systems for which those DG Parties are Registered; and

**TN** is, in respect of any Group, the sum of the values of N for all the Groups within the same Party Category as that Group ~~which cast a vote~~.

12.12 In undertaking the calculations provided for in Clause 12.11, the Secretariat shall rely upon:

12.12.1 in the case of Clauses 12.11(a) and (b) the information regarding registrations last provided under clause 27.6 of the MRA and made available to the Secretariat prior to the vote in question; and

12.12.2 in the case of Clause 12.11(c), the Party Details as set out in Schedule 11 on the date of the vote in question.

### **Surplus Vote Adjustment**

12.13 For the purposes of Clause 12.10, the Surplus Vote Adjustment (**SVA**) shall:

12.13.1 in respect of a Party Category within which the Basic Vote of any Group is greater than 20%:

(A) for that Group, have a negative value equal to the sum by which its Basic Vote is greater than 20% (the **Surplus Vote**); and

(B) for each other Group within the same Party Category ~~who casts a vote~~, be calculated in accordance with Clause 12.14; and

12.13.2 in respect of each Group in any other Party Category, have the value of zero.

12.14 In respect of each Group to which Clause 12.13.1(B) refers, the Surplus Vote Adjustment (**SVA**) shall have a positive value calculated as follows:

$$SVA = SV \times \frac{N}{XN}$$

where:

**SV** is the sum of the values of the Surplus Votes of any Groups in the same Party Category as that Group;

**N** has the same meaning for that Group as it does in Clause 12.11; and

**XN** is the sum of the values of N for all the Groups in the same Party Category as that Party ~~which cast a vote~~, excepting those with a Surplus Vote.

### **Further Adjustment**

12.15 Where, on applying the formula at Clause 12.14 in respect of any Group, the Weighted Vote of that Group is greater than 20%:

- 12.15.1 the Weighted Vote of that Group shall be 20%;
- 12.15.2 the amount by which the Weighted Vote of that Group would otherwise have exceeded 20% shall be allocated between the other Groups within the same Party Category ~~which cast a vote~~ and which have Weighted Votes of less than 20%;
- 12.15.3 that amount shall be allocated between those other Groups on the same basis as a Surplus Vote allocated in accordance with Clause 12.14; and
- 12.15.4 the Weighted Votes of those other Groups shall be increased accordingly.
- 12.16 Where the effect of any adjustment in accordance with Clause 12.15 is to increase the Weighted Vote of any Group so that it is greater than 20%, a process of adjustment equivalent to that set out in Clause 12.15 shall be repeated until no Group's Weighted Vote is greater than 20%.

**If no Group in a Party Category Votes**

- 12.17 Where, in respect of a Change Proposal and a Party Category that is specified in the relevant Change Report as being eligible to vote, no Group in that Party Category casts a vote, such Party Category shall, for the purposes of Clause 13, be treated as if it were not eligible to vote.

**Amend Clauses 13.5 and 13.6 as follows -**

**Part 1 Matters**

- 13.5 Where a Change Proposal relates to a Part 1 Matter, the Parties shall:
- 13.5.1 be deemed to recommend to the Authority that the proposal should be ~~accepted~~~~rejected~~ where, in respect of ~~one or more~~~~each~~ Party Category~~ies~~ that ~~was~~~~ere~~ eligible to vote, the sum of the Weighted Votes of the Groups in that Party Category which voted to ~~accept~~~~reject~~ the proposal is more than 50%;  
~~and~~
- 13.5.2 be deemed to recommend to the Authority that the proposal should be accepted where:

(A) in respect of one or more Party Categories that were eligible to vote, the sum of the Weighted Votes of the Groups in that Party Category which voted to accept the proposal is more than 50%; and

(B) there are no Party Categories that were eligible to vote for which the sum of the Weighted Votes of the Groups in that Party Category which voted to reject the proposal is more than 50%; and

13.5.3 in all other cases, be deemed to recommend to the Authority that the proposal should be sent back to the Panel for further consideration~~rejected~~.

## **Part 2 Matters**

13.6 Where a Change Proposal relates to a Part 2 Matter, that proposal shall be accepted where~~;~~:

13.6.1 in respect of ~~one or more each~~ Party Categories~~ies~~ that ~~was~~are eligible to vote:

(A) ~~13.6.1~~ the number of Groups in that Party Category which voted to accept the proposal is greater than 65% of the total number of Groups in that Party Category~~which voted~~; and

(B) ~~13.6.2~~ the sum of the Weighted Votes of ~~those~~ Groups in that Party Category which voted to accept the proposal is greater than 65%~~;~~:

13.6.2 there are no Party Categories that were eligible to vote for which the number of Groups in that Party Category which voted to reject the proposal is greater than 35% of the total number of Groups in that Party Category; and

13.6.3 there are no Party Categories that were eligible to vote for which the sum of the Weighted Votes of the Groups in that Party Category which voted to reject the proposal is greater than 35%.

13.6A Subject to Clause 13.7, where a Change Proposal relates to a Part 2 Matter, that proposal shall be rejected where, in respect of one or more Party Categories that were eligible to vote:

13.6A.1 the number of Groups in that Party Category which voted to reject the proposal is greater than 35% of the total number of Groups in that Party Category; and

13.6A.2 the sum of the Weighted Votes of the Groups in that Party Category which voted to reject the proposal is greater than 35%.

13.7 ~~In all other cases a Change Proposal which relates to a Part 2 Matter shall be rejected.~~ Notwithstanding Clause 13.6A~~such rejection~~, where:

13.7.1 the tests under Clauses 13.6.1~~and 13.6.2~~ are satisfied in respect of all the Party Categories that were eligible to vote and that comprise 3 or more Groups; and

13.7.2 the Change Proposal was~~such~~ rejection~~ed~~~~ion occurred~~ only because either or both of the tests under Clauses 13.6A.1 and 13.6A.2 were ~~not~~ satisfied in respect of one or more Party Categories that comprise fewer than 3 Groups,

then, the Change Proposal shall be deemed to relate to a Part 1 Matter and the Parties shall be deemed to recommend to the Authority that the proposal should be rejected.

13.7A Where none of Clauses 13.6, 13.6A or 13.7 apply to a Change Proposal which relates to a Part 2 Matter, then the Change Proposal shall be deemed to have been withdrawn.

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