

## **Please find attached the comments of E.ON-Ruhrgas to the ERGEG Report on Monitoring the implementation of the GGPSSO (REF.E05-STO-06-03).**

### **General Remarks**

The monitoring report by ERGEG is based on a questionnaire distributed very shortly after the GGPSSO came into force. However, the presentation of the results of the inquiry were improper and partly incorrect due to following reasons:

1. The questions in the questionnaire went far beyond to that what should have been implemented when applying the GGPSSO. Consequently, the assessment of ERGEG in the above mentioned report is misleading and partly improper.
2. Many items addressed should be in place latest as of April 2006 (and not April 2005).
3. Some items of the ERGEG-Report are simply not subject of the GGPSSO (especially transparency requirements in case of less than 3 storage users and confidentiality requirements).

### **Special Remarks for E.ON Ruhrgas (ER):**

- E.ON Ruhrgas has fully complied with the GGPSSO in each point since April 2005.
- The following topics are considered by the ERGERG only as “partly compliance”. In the following, it is demonstrated that E.ON Ruhrgas complies also with those parts of the GGPSSO:

#### *1. Compliance Program*

ERGEG-Reason:

E.ON Ruhrgas has no separate building for the SSO.

GGPSSO-Text:

“The SSO and the supply business should be located in separate buildings, provided such a measure is proportionate.”

Statement of ER:

Since E.ON Ruhrgas has only a few people working as a SSO, has a compliance program and has outsourced their storage marketing, it is proportionate for the SSO of E.ON Ruhrgas to remain in the same building as the supplier.

#### *2. Transparency*

ERGEG-Reason:

Available Capacity and flow data are not published.

GGPSSO-Text:

§ 6.2 “Non-confidential information must be provided promptly and on the same time scale to all users on a non discriminatory basis. User(s) may request the SSO not to publish information about the aggregate use of storage if such publication would harm the commercial interest of user(s). In cases of non-publication, the relevant national regulatory authority will, when requested by relevant parties, review the decision not to publish. .... In any respect, information should always be published by the SSO when

three or more storage users have been allocated capacity by virtue of contractual or any other similar arrangements ...

Statement of ER: a) E.ON Ruhrgas has less than three customers in the storage business. The publication of the user(s) would harm the commercial interests of the customer(s).  
b) There were not request for publication of the data by another customer that made it necessary to inform e.g. the regulatory authority

3. *Unbundled Services, Interruptible Storage Contracts, title transfer in Secondary Market*

ERGEG-Reason: The above mentioned services are not yet implemented.

GGPSSO-Text: § 3.3b “unbundled services supplementing SBUs at least for available storage capacity at the beginning of the storage year”;  
§ 3.3d “both firm and interruptible storage services. The price of interruptible services may reflect the probability of interruption”.  
§ 3.10: “Each SSO shall meet the following timetable: 3.1, 3.2, 3.3.a, 3.3.c (long term), 3.4, 3.5, 3.6, 3.7 and 3.8: 1 April 2005; 3.3.b, 3.3.c (short term), 3.3.d: 1 April 2006”;  
§ 9.3: “SSOs shall meet the following timetable: 1 April 2005: bulletin board without title transfer; 1 April 2006: implementation of the other provisions to allow for title transfer. Where substantial IT developments are needed the implementation of the other provisions shall be no later than 1 December 2006.”

Statement of ER: E.ON Ruhrgas has already indicated, that the timetable for the obligations according to the GGPSSO will be fulfilled in due time (by 1. April 2006).