

PGNiG response to ACER's public consultation (PC-2019-G-03)

Polish Oil and Gas Company (herein after also as "PGNiG") welcomes the opportunity to submit its position on the single capacity booking platform to be used at the border between Germany and Poland. As PGNiG actively uses interconnection points which are the subject of consultation, the Agency's decision will have significant and direct effect on PGNiG business activity, including on operational costs of PGNiG. Please find below our answers on questionnaire published by the Agency on April 9, 2019.

1. Annex 1 – Compliance with legal requirements

Question 1: Please confirm that these legal requirements are still relevant.

PGNiG answer: All requirements are still relevant.

Question 2: For each of the three Booking Platforms currently active in the EU, please mark the numbers of the legal requirements next to it, which in your view are not complied

PGNiG answer:

GSA Platform	compliant with all the requirements essential to PGNiG operations. We don't have full knowledge of other booking platforms' compliance with these requirements
PRISMA	n/a
RBP	n/a

2. Annex 2 – Basic governance structure: a qualitative criterion assessed based on the written answers

Question 1: Please indicate the measures that you consider necessary for the governance of the booking platforms to offer users transparent and non-discriminatory services, in the light of the application of Union and national competition and regulatory framework.

PGNiG answer: PGNiG primary concern regarding the booking platform is its reliability and safety. The platform should also be user-friendly and flexible, equally considering the suggestions of all its users and it should dynamically adapt to a changing market. The platform's governance should provide all users with an equal support and keep shippers up to date with EU and national regulations affecting the platform's operation.

Question 2: Do you consider that the legislation implicitly requires a governance structure for the Booking Platforms to ensure, as a minimum, that a dedicated budget and a dedicated independent management ensures autonomous decisions on Platform developments, IT developments and maintenance, based on market needs?

PGNiG answer: No. According to our best knowledge, neither EU nor national framework do not impose such requirements on booking platform operators. The obligation to set a separated and dedicated budget for the booking platform is likely to result in increased cost of running the platform which would be transferred to end-users *via* tariffs.

Question 3: Are there other area/aspects in which you consider that the Booking Platform should be independent from the TSO(s) in which it is embedded?

PGNiG answer: No. According to PGNiG, currently existing EU framework does not prevent transmission system operators (“TSOs”) from being a booking platform operators. Similarly, the Third Energy Package does not impose obligation to ensure independence of booking platforms from TSOs.

Question 4: Do you consider that the above-mentioned minimum set of measure would guarantee, by effect, a sufficient degree of independence to ensure the transparent and non-discriminatory operation of a TSO-led booking platform towards the network users?

PGNiG answer: Additional obligations imposed on a TSO-led booking platform might discourage them from maintaining such platforms and in consequence, it could result in lower level of competition. In PGNiG opinion, there is no justification for imposing new administrative burden on the platforms operated by TSOs.

Question 5: Do you consider that an agreed party acting on behalf of the TSOs towards the network users as a booking platform should guarantee the same minimum set of conditions.

PGNiG answer: Yes, the same treatment should be applied to these entities. Differing these requirements might result in creation of new entities (subsidiaries) of TSOs, reducing market transparency and competitiveness. Moreover, it would generate more costs for the end users.

3. Annex 3 – First stage selection criterion: minimum pass-mark IT requirement

Question 1: Please let the Agency know whether the domains presented below are:

PGNiG answer: The following critical domains are missing: From PGNiG point of view 2 more domains/criteria should be included:

1) Options for connection to the platform: Multiple connectivity options of the GSA platform allows PGNiG to fully integrate auctions into our IT system.

2) The Platform and shipper automated communication: We prefer and recommend a communication based on the AS4 open protocols and edig@s messages as a best solution in our opinion. The GSA provides such a solution. PRISMA does not support AS4 and has limited functionality in their API.

PGNiG does not have an expertise necessary to answer other questions in Annex 3 of the questionnaire. When assessing IT solutions, PGNiG focuses on platform functionality, particularly if it meets PGNiG requirements, stability and user – friendliness. As regard capacity booking platforms, PGNiG priority is that capacity auctions are run according to schedule and not interrupted.

4. Annex 4 – Case study, score qualitative criteria

Generally, PGNiG agrees with the factors chosen for evaluation method. However, the financial aspects of running the platform should not be omitted, due to its effect on the tariff.