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Joint USAID/EU Phare Conference on Transition of the Romanian market for Natural Gas and assistance rendered by USAID and Phare

Poiana Brasov, Romania
Hotel Sport, Teleferic Hall
September 27-28, 2001

Nexant CONSULECTRA

23865-814-0002

(l. to r.) Mr. Gheorghe Radu, President, Romanian National Gas Regulatory Authority; Mr. Robert Borgström (Nexant), Chief of Party, USAID; Mr. Uwe Gayh (Consulectra), Project Manager, EU Phare.

(l. to r.) Mr. David A. Foti (Accenture, Houston); Mr. John P. Banks (Nexant, New York); Mr. Radu; Mr. Borgström.

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on Transition of the
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Agenda

Thursday, Sept. 27

09:30 – 10:30	Registration (with coffee served in lobby)
10:30	Conference Called to Order - Mr. Borgström
	Welcoming/Introductory Remarks by:
	Mr. Iancu, MoIR Mr. Radu, ANRGN Mr. Musatescu, USAID Mr. Brown, EU Phare Mr. Binig, EC-Delegation
	Conference Logistics Mr. Tobescu (Nexant)
11:00	Overview of Transitional Issues
	Perspective of the EU Phare/Consulectra Project – Mr.Gayh
	Perspective of the USAID/Nexant Project – Mr. Borgström
	Perspective of ANRGN – Mr. Morari
	Comments/Discussion
12:30	Luncheon
14:00	USAID/Nexant Project Issues
	Corporate Structures: Implications for Competition – Mr. Foti (Accenture)
	Discussion

	Public Participation in the Regulatory Process: Review of International Best Practices and Implications for ANRGN – Mr. Banks (Nexant)
	Discussion
15:30	Break (with refreshments)
15:50	Presentations by the Gas Companies
	Distrigaz-Nord - Mr. Borda
	Distrigaz-Sud - Mr. Armencea
	Transgaz – Mrs. Goage
	Romgaz- Mr. Dimbean
17:30	Adjournment for the day
19:00	Dinner
Friday, Sept. 28	
09:00	Conference Resumes – Mr. Gayh
09:15	EU Phare Project Issues
	Presentation on the EC Directive and the impact on primary and secondary legislation and possible derogation for Romania – Mrs. Dr Fouquet (Kuhbier)
	Discussion
	Presentation on Prices and Tariffs in the liberalised gas market – Mr. Penglis (Kantor)
	Discussion
10:30	Break (with coffee)

11:00	Presentation on Opening of the Romanian Gas Market – Mr. Dumele (ECH-OVM)
	Discussion
	Presentation entitled "Meeting the Challenge" – Mrs. Brandolini (Nomisma)
12:30	Concluding Remarks

JOINT USAID/EU PHARE CONFERENCE
ON TRANSITION OF THE
ROMANIAN MARKET FOR NATURAL GAS
AND ASSISTANCE RENDERED BY USAID AND PHARE

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Va multumim pentru participarea Dvs. la lucrarile seminarului privind aspecte legate de tranzitia in sectorul gazelor naturale si asistenta oferita de Agentia Statelor Unite pentru Dezvoltare Internationala si programul Uniunii Europene-PHARE.

Dupa cum ati fost informati lucrarile se vor desfasura in perioada 27-28 septembrie, 2001, la sala de conferinte –Teleferic- a Hotelului Sport, conform programului transmis. Lucrarile se vor desfasura in limba engleza si pentru faciltarea lor va fi asigurata si translatia consecutiva.

Participantii au rezervate camere, la hotelurile Bradul si Sport (trei stele), pentru noaptea de 27/28 septembrie. Ziua hoteliera incepe si se sfarseste cu 12 a.m., orice fractiune de zi sau noapte ce reprezinta o depasire a perioadei de cazare rezervate, fiind taxata suplimentar ca inca o zi de cazare si urmeaza a fi suportata financiar de catre cei in cauza.

Cheltuielile legate de cazare (noaptea de 27/28 septembrie) si masa (pranz si cina-in ziua de 27 septembrie si mic dejun-in ziua de 28 septembrie, cu meniuri fixe, pre-stabilte) vor fi suportate de organizatori, USAID si respectiv Phare.

Va rugam sa aveti amabilitatea sa pastrati cu grija si sa inmanati persoanei care vă va servi pranzul, in data de 27 septembrie, tichetul de masa cu sigla USAID sau Phare, functie de invitatia pe care ati onorat-o. Numai in acest fel veti putea beneficia de serviciile gratuite oferite, lipsa tichetului conducand la suportarea cheltuielilor de catre Dvs..

Alte cheltuieli, suplimentare meniului pre-stabilit sau cele legate de efectuarea convorbirilor telefonice, minibar, comenzi speciale etc.- vor fi suportate de cei care au comandat sau au beneficiat de serviciile respective.

Totodata, compania NEXANT va adreseaza invitatia ca in seara zilei de 27 septembrie, la ora 19:00, inainte de servirea cinei din sala de mese, sa inchinam un pahar din renumitele produse locale romanesti.

Pentru orice alte probleme va rugam sa contactati persoanele desemnate pentru secretariatul conferintei, d-na Doina Badea (din partea USAID-Neaxant) sau d-na Oana Marie Arat (din partea Phare-Consulectra).

JOINT USAID/EU CONFERENCE ON TRANSITION ISSUES

POIANA BRASOV 27/28 SEPTEMBER, 2001

LIST of PARTICIPANTS

No.	Company	Name
1.	NEXANT	Robert Borgstrom
2.	NEXANT	John Banks
3.	NEXANT	Florin Tobescu
4.	ACCENTURE	David Foti
5.	ANRGN	Doina Badea
6.	MIR	Corneliu Condrea
7.	ANRGN	Gheorghe Radu
8.	ANRGN	Dan Morari
9.	ANRGN	Denisa Brailescu
10.	ROMGAZ	Aurel Pop
11.	ROMGAZ	Corina Chindea
12.	ROMGAZ	Giancarla Rizolu
13.	DISTRIGAZ SUD	Gabriel Mihai Armencea
14.	DISTRIGAZ SUD	Simona Maria Aarom
15.	ROMGAZ	Dan Adrian Vecerdea
16.	DISTRIGAZ NORD	Calin Gruia
17.	TRANSGAZ	Liviu Pintican
18.	TRANSGAZ	Gheorghe Cristolovean
19.	MIR-PHARE	Ian Brown
20.	ANRGN	Mihai Goage
21.	ANRGN-PHARE	Ilie Cojocaru
22.	ANRGN-PHARE	Mihai Octavian Rimniceanu
23.	ANRGN-PHARE	Eugen Anghel
24.	ANRGN-PHARE	Simona Elena Paunescu
25.	ANRGN-PHARE	Victor Radoi
26.	ANRGN-PHARE	Diana Elena Popescu
27.	ANRGN-PHARE	Gabriela-Mariana Oanta
28.	ANRGN-PHARE	Vlad Tudor Tiugan
29.	ANRGN-PHARE	Viorel Crisan
30.	ANRGN-PHARE	Ionut Nicolae Dumitrescu
31.	PHARE	Ioana Statulescu
32.	PHARE	Oana Marie Arat
33.	CONSULECTRA	Uwe Gayh
34.	NOMISMA	Ghislaine van Lookeren Brandolini
35.	ECH-OVM	Josef-Karl Dumele
36.	KUHBIER	Doerte Fouquet
37.	KANTOR	Evangelos Penglis
38.	KANTOR	George Tzanidakis
39.	KUHBIER	Marcus Jochum
40.	CONGAZ	Augustin Oprea
41.	PRES COM	Nicolae Simescu
42.	PRES COM	Paul Gontea

USAID

Nexant

Remarks by
Robert Borgström (Nexant, Inc.)
Chief of Party
USAID Gas Regulatory & Restructuring
Assistance Project in Romania

Joint USAID/EU Phare Conference on the
Transition of the Romanian Market for Natural Gas
Poiana Brasov
27 September 2001

Ladies and Gentlemen:

The purpose of my presentation this morning is to acquaint you with USAID's program of technical assistance in support of the reform of the Romanian gas sector.

- Our Goals
- Our Focus Areas – the subjects to which we will address our attention
- Our Project Team
- Our Schedule of Activities over the next 12 months –and-
- As Manager of this effort, share with you some of my views on restructuring and reform in Romania.

USAID's goal in providing this technical assistance is that there should be "a more economically sustainable and environmentally sound energy sector in Romania."

From the perspective of our project, the key words are "economically sustainable." In the former era – which we generally refer to as the "command economy" or the "controlled economy" – enterprises did not have to be self-sustaining. The political machinery of the state decided their livelihood. I don't address – or criticize – that era, but in looking ahead toward a "market-oriented" economy, we must accept that the era of subsidy is over. Business units, whether state-owned or owned by private investors, must be run on a self-sustaining commercial basis… or they will not survive.

Our strategy, therefore, is to help you, the leaders of the Romanian gas sector, in your efforts to:

- Accelerate restructuring of the sector –and- reform of the principles by which the sector is to operate
- Establish free and competitive markets for energy –and-
- Encourage private sector participation.

The four focus areas support this strategy. Those areas are:

- Commercial Code
- Technical Code

(both of which form, what we call the "Market Rules" by which all sector participants will abide)

- Public Participation –and-
- Financial Sustainability of the Gas Companies

9

Let's first address the Market Rules.

ANRGN is in the process of writing a "Commercial Code" which will define the relationships amongst sector participants. These relationships are, in the main, defined by European Union Directives... This is so, because Romania seeks to be a part of the European Market and, as such, the restructuring of the Romanian gas sector must result in a system that will operate in harmony with the other members of the European Community.

I believe the greatest principle governing the Commercial Code – as well as any of the decisions to be taken by ANRGN – is the concept that rules and decisions should be focused on facilitating market transactions rather than controlling them.

We believe that the marketplace – where freely executed transactions reflect the collective will of the market participants – is the best guarantor of the public interest.

The regulator has oversight to ensure that the Market Rules are fair to all and that those Market Rules are being observed, but it should not take any hand in the operational control of the business units themselves.

Even more importantly, the regulator should not circumvent these Market Rules under any but the direst of national emergencies. I am speaking here with particular reference to actions that may be seen as desirable to ensure security of supply during this transitional period.

And I challenge our colleagues at ANRGN, at the Ministry and throughout the gas sector to be thinking not of ways by which market monitoring can enhance the imposition of price controls to support political objectives, but of ways to de-couple sector management from political influence and support the progressive construction of a marketplace that will be of greater benefit to all Romanians.

Another important "Market Rule" is the Technical Code, which defines the system's operational requirements and, thereby, ensures standards of Quality of Service, Safety and Environmental Protection that are essential.

Here, too, our aim is to write the Technical Code such that Romania's operations will be harmonized with the technical operations of neighboring countries. Our vision is that Romania will, in the shortest possible time, be an integral part of a larger, European market and that Romanian companies – with both Romanian and foreign owners – will be competing in that marketplace with countries from across Europe. The Technical Code must be written to ensure that there are no operational barriers to inhibit the ability of Romanian companies to participate successfully in that market.

Our project is working with ANRGN on both of these important Market Rules. As our project continues, we'll have reports on the progress of writing and implementing these codes.

Whatever decisions are taken throughout the gas sector, we need the support of our customers in order to be successful. In the past, when the function of gas sector professionals was to allocate resources to captive consumers, those customers were expected to be the silent recipients of our best efforts. With the opening of the marketplace, our customers are far from silent. Increasingly they understand that they have choices to make and they are demanding information by which they can take those market decisions. Even those who still rely upon the utility to deliver a packaged service are more vocal in expressing their legitimate concerns about what appears to be a rising cost of energy... most, of course, never knew -- and didn't care to be told -- that their energy costs were heavily subsidized.

Our goals here are:

- To involve stakeholders in economic decisions
- Pro-actively gain acceptance by stakeholders for market-based decisions -and-
- Keep industry focused on satisfying the needs of customers for service AND information about the services they receive OR can purchase for themselves.

This afternoon we will have a presentation on this subject as part of our effort to help ANRGN develop a Public Participation Strategy.

Our fourth focus area is Financial Sustainability. The dis-integration of the former ROMGAZ created separate, functional units from operational entities that once were departments or divisions of the larger corporation. This restructuring challenges us to create successful, self-sustaining businesses from these newly defined entities. Why should this be so difficult?

An executive of a utility in India once told me that, when the company is privatized, the employees would continue to do their jobs according to whatever new rules are imposed by the new owners. That conversation took place 5 years ago... and the company has still not attracted private investment. My view is that the executive, who apparently spoke on behalf of attitudes of his company, did not understand how to be successful in the private sector.

He was not alone, of course. There are hundreds of thousands – perhaps millions – of dedicated utility employees around the world who are waiting for the new boss to arrive with money and to subsidize the status quo with which they are very comfortable. It just doesn't work that way.

Our project hopes to help YOU to create corporate cultures that will embrace commercialization -and- create business units that will compete successfully in a free market for gas that extends beyond Romania's boundaries.

We want to help you understand the imperative of motivating employees to take pro-active roles in the continuous improvement of business practices, so that your broader attitudes about business – as well as your technical competence in the gas industry – will make you attractive employees to succeed in the more competitive working environment of the vastly more lucrative private sector.

And we want to help you create corporate structures that will be able to compete successfully for private sector investment. I stress the need to compete for investment as a critical stage in the sector's transition.

At our conference at Bazna in June we had a speaker from an Investment Fund who told us how difficult it is for companies to attract investments... how many competing opportunities there are for investors to consider... and how competitive – as well as financially promising – companies must be in order to WIN private sector investments.

This afternoon we shall hear a presentation that will take your companies into the future... to see how the shape of companies – their corporate structure, their merger with other companies and the analysis of collective strengths and weaknesses – makes it possible for a business to be successful.

Throughout our project we shall have meetings with the gas companies to discuss your business issues and we will be working with you to identify and solve problems in this area.

In addition to holding Seminars & Conferences, which

- Identify key issues
- Provide a forum for you to hear the perspectives of our guest speakers –and-
- Encourage an open dialogue on issues of current interest,

Next month we'll be identifying the Romanian members of our Project Team. Those team members will become experts in our focus areas and, thereafter, help their colleagues to better understand these issues from a Romanian perspective.

Our future seminars will be focused on supporting the Project Team's study of our four focus areas.

- At a future seminar we'll listen constructively to your recommendations. –and—
- We'll help you to develop an action plan for implementation by next summer.

Our program began last year and will continue through September 2002. Unfortunately, and as many of you know, we did not accomplish as much as we would have liked during the past twelve months. I won't dwell on the causes –

- The Romanian elections last winter
- Changes of management throughout the gas sector
- Changes of project manager this spring

But we're beginning a new year today and my first priority is to accelerate our project activities toward the achievement of our goals in helping you to restructure and reform the gas sector.

In fact, since coming to Romania in May, we've already begun to have a series of events that have laid the foundation for this year's programme. This joint conference with the EU Phare project is their "graduation" from Romania, and very much the beginning of our "New Year."

Specifically,

- Support the Drafting of the Commercial Code by December 31, 2001
- Support the Drafting of the Technical Code by December 31, 2001
- Support the Development and Implementation of a Public Participation Strategy at ANRGN A.S.A.P.

Next Month, I would like to meet with the General Directors of each of the Gas Companies to explain our program and identify the members of our Project Team. There will be at least one person identified from each of the Gas Companies and from ANRGN.

In January, we'll have a Seminar in Bucharest on Regulatory Law Issues at which we'll hear reports on the Commercial and Technical Codes that will have been drafted… and on the Public Participation Strategy that will have been developed and implemented.

In February, the Project Team will take a trip to Washington, DC to meet with counterparts at the Federal Energy Regulatory Commission and other gas sector agencies and companies for the purpose of refining their understanding of our focus areas.

In March or April, we'll have a follow-up Seminar here in Romania at which the Project Team will tell all of us the conclusions of their study and present recommendations for action plans.

Based upon the success of our program in the spring, we'll work together to implement these action plans during the summer months.

Project Team Participants will be selected in October from those of you, and your colleagues, who are:

- Actively working in the focus area
- Have gas industry experience that complements the other members of the project team
- Are willing and able to take leadership in the focus area
- Are able to read and speak English with basic compensation (we will have translators on the trip to the USA) –and-
- Are in good health.

Duties of the Project Team Participants will be:

- Become an expert in the focus area through independent study as well as participation in the study tour.
- Take a pro-active role in meetings with US counterparts, by
  - Preparing materials that identify comparable situations in Romania
  - Prepare questions in advance –and-
  - Lead discussions with counterparts
- Recommend action plans based upon knowledge gained during the study process
  - Prepare presentations for colleagues in Romania
  - Defend recommendations at a conference
- Identify follow-on activities.

In conclusion, I'd like to share some of my perspectives on restructuring and reform that I feel are essential for Romania's market transition –and- are important for everyone to consider in understanding their role in that transition process.

- Change is inevitable, but meaningful reform requires our pro-active intervention.

- Meaningful reform is long-term in nature; however, we cannot go slowly in making changes.

It is no secret that Romania is lagging behind many of its neighbors in Central and Eastern Europe in moving toward an economy that will bring a better life to all. As the Energy Strategy points out, economic growth must exceed that of the EU Communities in order for Romania to catch-up. Hesitation is understandable, but it is unacceptable under these circumstances.

- The Free Market is the best guarantor of the public interest.

Successful reform of the gas sector means the removal of political influence from decision making at all levels of responsibility. This does not necessarily mean a transition to the private sector – although I think that is both inevitable and desirable -- but regardless of ownership, the sector must become commercially viable.

And if you think that these issues are above your ability to exert influence, I challenge each of us to consider the following:

- Encourage constructive criticism of controlling practices with the goal of improving efficiency and productivity.

- Delegate authority as well as responsibility with the goal of building the next generation of management.

- Require your employees to bring you proposed solutions along with problems.

- Propose solutions to your boss when you encounter problems.

- Be prepared to say "Why Not" when new solutions are proposed to you.

And lastly, but perhaps most *importantly*,

- Respect the limitations that others may impose upon you, but think beyond those limitations

Prepare yourself for the future.

UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT

GAS REGULATORY & RESTRUCTURING ASSISTANCE IN ROMANIA

R. E. Borgström (Nexant, Inc.)
Chief of Party

Nexant

Overview

- Goals of our Technical Assistance Program.
- Focus Areas.
- The Project Team.
- Program Schedule through October 2002.
- Perspectives on Restructuring & Reform.

Nexant 2

Goal & Strategy

- A more economically sustainable and environmentally sound energy sector in Romania.
  - Accelerate restructuring and reform.
  - Establish free and competitive markets for energy.
  - Encourage private sector participation.

Nexant 3

Focus Areas

- "Market Rules"
  - Commercial Code
  - Technical Code
- Public Participation
- Financial Sustainability of the Gas Companies

Nexant 4

Market Rules

The Regulatory Framework for
Market-Based Reforms

- Commercial Code
  - Defining relationships among sector particpants that are consistent with EU Directives
  - Focused on facilitating market transactions… rather than controlling them
  - Ensuring that public interests are protected… but assuming that this protection is best provided by market-based transactions.

Nexant 5

Market Rules

The Regulatory Framework for
Market-Based Reforms

- Technical Code
  - Defining technical requirements to ensure
    - quality of service
    - safety
    - environmental protection
  - Harmonized with EU directives and the technical operations of neighboring countries.

Nexant 6

Public Participation Strategy

- Involve stakeholders in economic decisions about the gas sector.
- Pro-actively gain acceptance by stakeholders for market-based decisions.
- Keep industry focused on satisfying the needs of customers for service… *and* information.

Nexant 7

Financial Sustainability

- Create corporate cultures that embrace commercialization.
- Create business units that will compete successfully in the free market.
- Create corporate structures that will compete successfully for private sector investment.
- Motivate employees to take a pro-active role in the continuous improvement of business practices.

Nexant 8

Our Approach

- Seminars & Conferences for the Gas Sector
  - Identify issues
  - Provide perspectives
  - Encourage dialogue
- Identify Romanian members of our Project Team, who will become experts in our focus areas.
  - Support your study of these issues
  - Hear recommendations at an open forum
  - Help develop an action plan.

Nexant 9

Our Program

- Began in September 2000
- Contract term ends September 2002
- 1st activities were adversely affected by
  - Romanian elections
  - Changes of management throughout the gas sector
  - Changes of project management.

Nexant 10

Since May 2001

- 2 “Key Issues” Seminars
  - Regulatory Issues
  - Company Issues
- Monthly “In House” Seminars at ANRGN
  - “Issues of the Month”
  - Updates on Progress of Project
- Visits to each gas company to review business planing issues.
- Joint Conference with EU Phare on Transitional Issues

Nexant 11

Plans for Remainder of 2001

- Support ANRGN’s Drafting of Commercial Code by December 31, 2001
- Support ANRGN’s Drafting of Technical Code by December 31, 2001
- Support ANRGN’s Development and Implementation of a Public Participation Strategy A.S.A.P.

Nexant 12

In-Depth Study of Project's Focus Areas

- October -- Identify the Romanian Members of our Project Team
- January -- Key Issues Seminar on
  Regulatory Law & Market Rules
- February -- Study Tour to the USA
- March/April -- Follow-up Seminar with Presentations of Recommendations & Action Plans
- May/Sept -- Implement Action Plans

Nexant 13

Selection Process for Project Team Participants

- In October, General Directors to nominate based upon the following criteria:
  - Actively working in the focus area
  - Gas industry experience complements other members of the project team
  - Willing and able to take leadership in focus area
  - Able to read and speak English (basic comprehension)
  - Good health.

Nexant 14

Duties of Project Team Participants

- Become an expert in the focus area.
  - Independent study
  - Participation in the study tour.
- Take a pro-active role in meetings with US counterparts
  - Prepare materials that identify comparable situations in Romania
  - Prepare questions in advance
  - Lead discussions with counterparts
- Recommend action plans based upon knowledge gained
  - Prepare presentation for colleagues in Romania
  - Defend recommendations at a conference
- *Identify possible follow-on activities.*

Nexant 15

Perspectives

- Change is inevitable, but meaningful reform requires our pro-active intervention.

Nexant 16

Perspectives

- Meaningful reform is long-term in nature, however, we cannot go slowly in making changes.

Nexant 17

Perspectives

- The Free Market is the best guarantor of the public interest.
  - Successful reform of the gas sector means the removal of political influence from decision making at all levels or responsibility.

Nexant 18

Perspectives

- What can you do?
  - Encourage constructive criticism of controlling practices with the goal of improving efficiency and productivity.
  - Delegate authority as well as responsibility with the goal of building the next generation of management.

Nexant 19

Perspectives

- Require your employees to bring you proposed solutions along with problems.
- Propose solutions to your boss when you encounter problems.
- Be prepared to say "Why not?" when new solutions are proposed to you.

Nexant 20

Perspectives

Respect the limitations that others may impose upon you…

but think beyond those limitations and

Prepare yourself for the future!

Nexant 21

Robert Borgström (Nexant, Inc.)
Chief of Party
Proiect de asistenta al USAID privind reglementarea si restructurarea in sectorul gazier din Romania

Conferinta comuna USAID/EU Phare privind
Trecerea Romaniei catre piata de gaze naturale
Poiana Brasov
27 septembrie 2001

Doamnelor si Domnilor:

Scopul prezentarii mele din aceasta dimineata este de a va familiariza cu programul USAID de asistenta tehnica care sprijina reforma in sectorul gazier romaneas.

- Scopurile
- Zone de interes – subiecete pe care vi le supunem atentiei
- Echiupa proiectului
- Programul de activitati in urmatoarele 12 luni – si
- Ca si conducator al acestui proiect va voi impartasi cateva opinii privind restructurarea si reforma in Romania.

Scopul pentru care USAID a oferit acesta asistenta tehnica este acela de a obtine „un sector al gazelor naturale mai sustinut din punct de vedere economic si intr-un mediu inconjurator mai sanatos in Romania".

Din perspectiva proiectului nostru, cuvintele cheie sunt „sustinere economica". In timpl trecut – la care ne referim in general ca la „economia de comanda" sau „economie controlata" – intreprinderile nu trebuiau sa se sustina singure. Masinaria politica a statului le decidea viata. Nu ma adresez – sa nu critic – acea epoca, dar privind inainte catre o „economie orientata spre piata", trebuie sa acceptam ca epoca subventiilor s-a terminat. Intreprinderile, fie ele proprietate de stat sau private, trebuie sa fie conduse pe baza auto-sustinerii comerciale ... sau nu vor supravietui

De aceea strategia noastra este sa va ajutam pe Dvs., conducatori din sectorul gazier romanesc, in eforturile dumneavoastre catre:

- Restructurarea rapida a sectorului – si – schimbarea principiilor dupa care se lucreaza in cadrul sectorului
- Stabilirea pietelor libere si concurentiale pentru energie – si
- Incurajarea participarii sectorului privat.

Cele patru zone de interes sprijina aceasta strategie. Aceste zone sunt:

- Codul comercial
- Codul tehnic

(amandoua formand cea ce se numeste „Regulile de Piata" carora li se vor supune toti participantii din sector)

- Participarea publica – si
- Sustinerea financiara a companiilor gaziere

Sa discutam mai intai despre Regulie de piata.

ANRGN este in procesul elaborarii unui „Cod Comercial" care va defici relatiile dintre participantii din sector. Aceste relatii sunt, i principal, definite de Directiva Uniunii Europene. Aceasta deoarece Romania doreste sa devina membru al Pietei Europene si de aceea prin restructurarea sectorului gazier romanesctrebuie sa se nasca un sistem care va opera in armonie cu ceilalti membri ai Comunitatii Europene.

Cred ca cel mai important principiu care guverneaza codul comercial - ca de altfel toate deciziile luate de ANRGN – este acela ca regulile si deciziile trebuie sa se concentreze pe facilitarea tranzactiilorde piata, mai degraba decat sa le controleze.

Noi credem ca piata – unde tranzactiile libere reflecta dorinta tuturor participantilor la piata – este cel mai bun garant al intexesului public.

Reglementatorul are puterea sa se asigure ca Regulile de Piata sunt corecte pentru toti si daca aceste reguli de piata sunt respectate, dar nu trebuie sa se amestece in controlul asupra afacerilor companiilor.

Chiar si mai important, reglementatorul nu trebuie sa subordoneze aceste Reguli de piata decat urgentelor nationale. Ma refer aici la actiuni care pot fi privite ca menite sa asigure siguranta in alimentare in timpul acestei perioade de tranzitie.

Si ii provoc pe colegii nostri din ANRGN, de la Minister si din intreg sectorul sa se gandeasca nu la metode prin care monitorizarea pietei poate cerste controlul asupra preturilor pentru a sprijini obiective politice, ci la metode pentru a desprinde conducerea sectorului de influentele politice si a sprijini construirea treptata a unei piete care va fi in beneficiul tutror romanilor.

O alta importanta „Regula de Piata"este Codul Tehnic, care defineste cerintele sistemului operational si astfel asigura standardele Calitatii Serviciului, Siguranta si Protectia mediului, care sunt esentiale.

Si aici scopul nostru este de a scrie un Cod Tehnic astfel incat operatorii din Romania sa fie in concordanta cu cei din tarile vecine. Parerea noastra este ca in cel mai scurt timp posibil, Romania va fi parte dintr-o Piata Europeana marita si ca companiile romanesti – cu proprietari romani sau straini – va concura pe acea piata cu tari din toata Europa. Codul Tehnic trebuie astfel scris incat sa se asigure ca nu exista bariere operationale care sa stavileasca posibilitatea companiilor romanesti sa participe cu succes pe piata.

Proiectul nostru lucreaza cu ANRGN pentru ambele aceste importante Reguli de Piata. Deoarece proiectul nostru este in desfasurare, va vom tine la curent cu progresele facute in elaborarea si implementareaacestor coduri.

Indiferent ce decizie se ia in sectorul gazier, avem nevoie de sprijinul clientilor nostri pentru a avea succes. In trecut, cand functia sectorului de gaze era aceea de a alimenta consumatorii captivi, acesti consumatori trebuiau sa primeasca in tacere toate eforturile noastre. Odata cu deschiderea pietei, clientii nostri sunt departe de a fi tacuti. Treptat ei inteleg ca pot alege si cer informatii pe baza carora pot face aceste alegeri. Chiar si cei care se bazeaza pe factorii locali pentru a primi servicii sunt mult mai vehementi in a-si exprima legitima preocupare privind ceea ce pare sa fie o crestere continua a costului energiei..., desigur ca cei mai multi nu au stiut niciodata – si nici nu-i intereseaza – ca energia a fost subventionata din greu.

Scopurile noastre aici sunt:

- Sa implicam actionarii in luarea deciziilor economice

- Actionarii sa accepte sa participe la joc pentru a castiga pe baza deciziilor in economia de piata si – mentinerea industriei concentrata pe satisfacerea cerintelor clientilor privind serviciilor SI informatiilor despre serviciile pe care le primesc SAU si le pot procura.

In acesta dupa-amiaza vom audia o prezentare pe acest subiect ca o parte a eforturilor noastre de a ajuta ANRGN sa-si elaboreze a Strategie a Participarii Publice.

Cea de-a patra zona de interes este Sustinerea Financiara. Dezintegrarea fostului ROMGAZ a creat unitati functionale separate din ceea ce inainte erau departamente sau directii intr-o comanie mare. Aceasta restructurare ne provoaca sa cream centre de afaceri de succes, care sa se sustina singure. De ce ar fi aceasta atat de greu?

Un membru din conducerea unei utilitati din India mi-a spus odata ca daca compania se va privatiza,angajatii isi vor desfasura activitatea functie de regulile impuse de noul proprietar. Acesta conversatie a avut loc acum 5 ani... si compania inca nu a fost privatizata. Parerea mea este ca persoana, care se pare ca a vorbit din punctul de vedere al atitudinii companiei sale, nu a inteles cum sa ai succes in sectorul privat.

Desigur, el nu era singur. Sunt sute de mii – poate milioane – de angajati in cadrul utilitatilor din intreaga lume care asteapta sa soseasca noul sef cu bani si sa subventioneze starea de fapt cu care ei sunt obisnuiti. Dar asa nu merge.

Proiectul nostru spera sa VA ajute sa creati o cultura de companie care se va baza pe legile comerciale si sa creati structuri de afaceri care vor concura cu succes intr-o piata libera a gazului care se intinde dincolo de hotarele Romaniei.

Dorim sa va facem sa intelegeti imperativul motivarii angajatilor sa joace un rol activ in imbunatatirea continua a practicilor de afaceri, astfel incat atitudinea Dvs. mai deschisa privind afacerile – ca si competenta Dvs. in industria gazului – va vor face angajati mai atractivi pentru a reusi intr-un mediu concurential din mult mai vastul sector privat.

Si dorim sa va ajutam sa creati structuri de corporatii care vor putea concura cu succes in domeniul investitiilor din sectorul privat. Accentuea nevoia de concurenta pentru investitii ca pe o etapa vitala in tranzitia sectorului.

La conferinta noastra din Bazna din iunie am avut un conferentiar de la Fondul de Investitii care ne-a spus ce greu este pentru comanii sa atraga investitii ... cate oferte trebuie sa ia in considerare un investitor .. si cat de competitive – si promitatoare din punct de vedere financiar – companiile trebuie sa fie pentru a CASTIGA investitii din sectorul privat.

In cadrul proiectului nostru vom avea intalniri cu companiile gaziere pentru a discuta probleme referitoare la afaceri si vom lucra cu Dvs. pentru a identifica si rezolva probleme din aceasta zona.

In plus, vor exista seminarii si conferinte care

- Vor identifica problemele esentiale
- Vor oferi un forum pentru ca Dvs. sa audiati opiniile oaspetilor nostri – si –
- Vor incuraja un dialog deschis pe probleme de interes curent.

Luna viitoare voi identifica membrii romani ai echipei pentru Proiect. Acesti membri vor deveni experti in zonele de interes si apoi isi vor ajuta colegii sa inteleaga mai bine aceste probleme dintr-o perspectiva romaneasca.

Viitoarele noastre seminare se vor concentra pe sprijinirea Echipei sa studieze cele patru zone de interes.

- La un semina viitor vom audia recomadarile Dvs.
- Va vom ajuta sa creati un plan de actiune pentru implementare pana in vara viitoare.

Programul nostru a inceput anul trecut si se va desfasura pana in septembrie 2002. Din pacate, dupa cum multi dintre Dvs. stiu, nu am realizat ata cat am fi dori in timpul care s-a scurs in cele 12 luni. Nu voi cauta cauzele –

- Alegerile din romania de anul trecut
- Schimbarea conducerii in sectorul gazier
- Schimbarea conducatorului de proiect in aceasta primavara

Dar astazi incepem un an nou si ob iectivul meu prioritar este acela de a accelera activitatile proiectului pentru a atinge scopurile de a va ajuta sa restructurati si sa reformati sectorul gazier.

De fapt, de cand am venit in Romania, in luna mai, am avut o serie de actiuni care au pus bazele programului de anul acesta. Aceasta conferinta impreuna cu UE Phare reprezinta „absolvirea" activitatii lor din Romania si inceputul „Anului Nou" pentru noi.

Mai precis

- Sprijinirea crearii Proiectului Codului Comercial pana la 31 decembrie 2001
- Sprijinirea crearii Proiectului Codului Tehnic pana la 31 decembrie 2001
- Sprijinirea crearii si implementarii strategiei privind participarea publica in ANRGN

Luna viitoare as dori sa-i intalnesc pe directorii generali de la fiecare companie gaziera pentru a le explica programul nostru si pentru a identifica membrii echipei proiectului. Va fi cel putin o persoana de la fiecare companie gaziera si de la ANRGN.

In ianuarie va fi un seminar in Bucuresti referitor la Legislatia de Reglementare la care vom audia rapoarte referitoare la Codul Comercial si Codul Tehnic care au fost creionate ... si la Strategia de Participare Publica pe care am creat-o si implementat-o.

In februarie, echipa proiectului va calatori la Washington, DC pentru a intalni partenerii de la Federal Energy Regulatory Commission si alte companii din sectorul gazier pentru a-si cristaliza cunostintele din zonele de interes.

In martie sau aprilie vom avea un alt seminar in Romania la care membrii echipei proiectului ne vor prezenta concluziile studiului si recomandarile pentru planurile de actiune.

In urmasuccesului programului nostru din primavara, vom lucra impreuna pentru a implementa aceste planuri in timpul verii.

Participantii la echipa proiectului vor fi selectati in octombrie dintre aceia care:

- Isi desfasoara activitatea in zonele de interes
- Au experienta in sectorul gazier care poate ii completa pe ceilalti membri ai echipei
- Doresc si sunt capabili sa conduca zonele de interes
- Pot citi si vorbi limba engleza (vom avea traducatori in excursia in SUA) – si
- Au o sanatate buna

Indatoririle participantilor la echipa proiectului vor sa:

- Devina specialisti in zonele de interes prin studiu individual si prin cunostintele dobandite in timpul excursiei de studii.

- Aiba un rol activ in intalnirile cu partenerii din SUA prin
    - Pregatirea de materiale care sa identifice situatii comparabile in Romania
    - Pregatirea intrebarilor dinainte – si
    - Sa discute cu partenerii
- Intocmeasca planuri de actiune bazate pe cunostintele dobandite in timpul studiului
    - Sa pregateasca prezentari pentru colegii din Romania
    - Sa-si sustina recomandarile in cadrul unui seminar
- Identifice actiunile urmatoare

In concluzie as dori sa va prezint parerile mele privind restructurarea si reforma, care consider ca sunt esentiale pentru trecerea Romaniei catre economia de piata – si – sunt importante pentru toti aceia care iau in serios rolul lor in procesul de tranzitie.

- Schimbarea este inevitabila, dar o reforma deplina necesita interventia noastra activa.
- Reforma deplina are un termen indelungat; dar nu putem inainta incet pentru a face schimbarile.

Nu este nici un secret ca Romania a ramas in urma vecinelor sale din Europa Centrala si de Est in trecerea sa catre economia de piata, care va duce la o viata mai buna pentru toti. Dupa cum mentioneaza Strategia pentru Energie, cresterea economica trebuie sa fie mai mare decat cea din Comunitatea Europeana pentru ca Romania sa o poata ajunge din urma. Ezitarea este de inteles, dar este de neacceptat in aceste imprejurari.

- Piata libera este cel mai bun garant al interesului public.

Reforma de succes in secotrul gazier inseamna indepartarea influentelor politice de la luarea deciziilor la toate nivelele. Aceasta nu inseamna neaparat o tranzitie catre sectorul p[rivat – desi ca aceasta este atat inevitabil cat si de dorit – dar indiferent de tipul de proprietate, secotrul trebuie sa devina viabil din punct de vedere comercial.

Si daca credeti ca aceste probleme va depasesc, provoc pe fiecare dintre noi sa tina cont de:

- Incurajeze critica constructiva de a controla activitatile pentru a imbunatati eficienta si productivitatea
- Delege autoritatea si responsabilitatea pentru a construi generatia viitoare de management
- Cereti nagajatilor Dvs. sa va aduca propuneri odata cu problemele.
- Propuneti solutiisefilor Dvs. cand va confruntati cu probleme.
- Fiti pregatiti sa spuneti „De ce nu?” cand va sunt propuse solutii noi.

Si in sfarsit, dar poate cel mai improtant,

- Respectati limitele pe care vi le impun altii, dar ganditi dincolo de aceste limite.

Pregatiti-va pentru viitor.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ASISTENTA PRIVIND RESTRUCTURAREA SI REGLEMENTAREA IN DOMENIUL GAZELOR NATURALE IN ROMANIA

R. E. Borgström (Nexant, Inc.)
Chief of Party

Nexant

Prezentare

- Scopurile programului nostru de asistenta tehnica
- Zone de interes
- Echipa care lucreaza in cadrul proiectului
- Programul proiectului pana in octombrie 2002
- Perspective privind restructurarea si reforma

Nexant 2

Scop si strategie

- Crearea in Romania a unui sector energetic sanatos din punct de vedere economic si al mediului.
  - Accelerarea restructurarii si reformei.
  - Crearea de piete libere si concurentiale in sectorul energetic.
  - Incurajarea participarii sectorului privat.

Nexant 3

Zone de interes

- "Legile pietei"
  - Codul comercial
  - Codul tehnic
- Participarea publica
- Sustinerea financiara a companiilor gaziere

Nexant 4

Legile pietei

Cadrul de reglementare pentru
reformele bazate pe piata

- Codul comercial
  - Definirea relatiilor dintre participantii din sector in conformitate cu Directivele UE
  - Concentrarea mai degraba asupra facilitarii tranzactiilor pe piata... decat asupra controlului asupra lor
  - Asigurarea ca interesele publice sunt protejate...dar admitand ca aceasta protectie este cel mai bine oferita de tranzactiile de piata

Nexant 5

Legile pietei

Cadrul de reglementare pentru
reformele bazate pe piata

- Codul tehnic
  - Definirea cerintelor tehnice pentru a asigura:
    - calitatea serviciilor
    - siguranta
    - protectia mediului
  - Armonizarea cu Directivele UE si cu operatiunile tehnice din tarile vecine.

Nexant 6

Strategia participarii publice

- Implicarea actionarilor in luarea deciziilor economice din sectorul gazier.
- Acceptarea de catre actionari a deciziilor bazate pe activitatea pietei
- Mentinerea industriei concentrata pe satisfacerea nevoilor consumatorilor… *si* informatii.

Nexant 7

Sustinerea financiara

- Crearea unei culturi a companiei care sa incurajeze comertul.
- Crearea de unitati de afaceri care vor concura pe piata libera.
- Crearea de structuri care vor concura in cadrul sectorului privat de investitii.
- Motivarea angajatilor pentru ca ei sa joace un rol activ in imbunatatirea continua a practicilor de afaceri.

Nexant 8

Abordarea noastra

- Seminarii si conferinte pentru sectorul gazelor naturale
  - Identificarea problemelor
  - Perspective
  - Incurajarea dialogului
- Identificarea membrilor romani ai echipei participante la Proiect, care vor deveni experti in zonele de concentrare
  - Sprijinirea studiului efectuat de Dvs. privind aceste probleme
  - Recomandari intr-un forum cu participare publica
  - Ajutor pentru crearea unui plan de actiune

Nexant 9

Programul nostru

- A inceput in septembrie 2000
- Se termina in octombrie 2002
- Primele activitati au fost afectate de:
  - Alegerile din Romania
  - Schimbarea conducerii in sectorul gazelor naturale
  - Schimbarea conducerii proiectului

Nexant 10

Incepand din mai 2001

- Doua seminare pe "Probleme esentiale"
  - Probleme de reglementare
  - Probleme privind companiile
- Intalniri lunare care au loc la sediul ANRGN pentru personalul autoritatii de reglementare
  - "Problemele lunii"
  - Actualizarea progreselor facute de Proiect
- Vizite la fiecare companie gaziera pentru a revizui problemele privind planurile de afaceri
- Conferinta comuna cu UE - PHARE privind problemele din tranzitie

Nexant 11

Planuri pentru restul anului 2001

- Sprijinirea ANRGN pentru crearea unui proiect al Codului Comercial pana la 31 decembrie 2001.
- Sprijinirea ANRGN pentru crearea unui proiect al Codului Tehnic pana la 31 decembrie 2001.
- Sprijinirea ANRGN pentru crearea si implementarea unei strategii pentru participarea publica

Nexant 12

Studiu aprofundat privind zonele de interes ale Proiectului

- Octombrie - Stabilirea membrilor romani ai echipei proiectului
- Ianuarie - Seminar pe probleme esentiale privind Legislatia de reglementare si regulile pietei
- Februarie - Excursie de studii in SUA
- Martie/Aprilie - Seminar de prezentare a planurilor de actiune si recomandarilor
- Mai/septembrie - Aplicarea planurilor de actiune

Nexant 13

Procesul de selectie a membrilor echipei Proiectului

- Directorii generali din fiecare companie va nominaliza persoanele in baza urmatoarelor criterii:
  - Participare activa in cadrul zonelor de interes a activitatii
  - Experienta din domeniul industriei gazului se completeaza cu a celorlalti membri ai echipei
  - Doritori si capabili sa preia conducerea in zonele de interes
  - Capabili de a citi si vorbi in limba engleza (notiuni de baza)
  - Sanatate buna

Nexant 14

Indatoririle participantilor la proiect

- Sa devina experti in zonele de interes
  - Studiu independent
  - Participarea la excursia de studii
- Sa aiba un rol activ la intalnirile cu partenerii din SUA
  - Pregatirea materialelor care prezinta situatii din Romania
  - Pregatirea dinainte a intrebarilor
  - Participa la discutii
- Sa propuna planuri de actiune bazate pe cunostintele castigate
  - Pregatirea unei prezentari pentru colegii din Romania
  - Sustinerea recomandarilor in cadrul unei conferinte
- Identificarea unor posibile activitati viitoare.

Nexant 15

Perspective

- Schimbarea este inevitabila, dar o reforma deplina necesita interventia noastra efectiva.

Nexant 16

Perspective

- Reforma deplina este un proces indelungat, dar putem inainta cu pasi mici, facand schimbarile necesare

Nexant 17

Perspective

- Piata libera este cel mai bun garant al interesului publicului.
  - O reforma de succes in sectorul gazelor naturale inseamna indepartarea influentelor politice in luarea deciziilor la toate nivelurile si responsabilitatile.

Nexant 18

Perspective

- Ce puteti face?
  - Incurajarea criticii constructive in exercitarea controlului, cu scopul de a imbunatati eficienta si productivitatea.
  - Delegarea autoritatii si a responsabilitatii cu scopul de a construi noua generatie in conducere.

Nexant 19

Perspective

- Cereti angajatilor Dvs. sa va aduca solutii pentru a rezolva problemele.
- Propuneti solutii sefilor Dvs. cand va confruntati cu probleme.
- Fiti pregatiti sa spuneti "De ce nu?" cand va sunt propuse solutii noi.

Nexant 20

Perspective

Respectati limitele pe care altii vi le pot impune ...

dar ganditi dincolo de aceste limite si

Pregatiti-va pentru viitor!

Nexant 21

Remarks by

Dan Morari

ANRGN

Joint USAID/EU Phare Conference on the
Transition of the Romanian Market for Natural Gas
Poiana Brasov
27 September 2001

Conferinta comuna USAID/EU Phare privind
Trecerea Romaniei catre piata de gaze naturale
Poiana Brasov
27 septembrie 2001

ANRGN - Functions and Competences

⇨ Main functions:
- Commercial and market regulations
- Licensing, authorizing
- Technical regulations
- Procedures for arbitrating and solving litigations
- Controlling and sanctioning the non-observing of secondary legislation in the sector

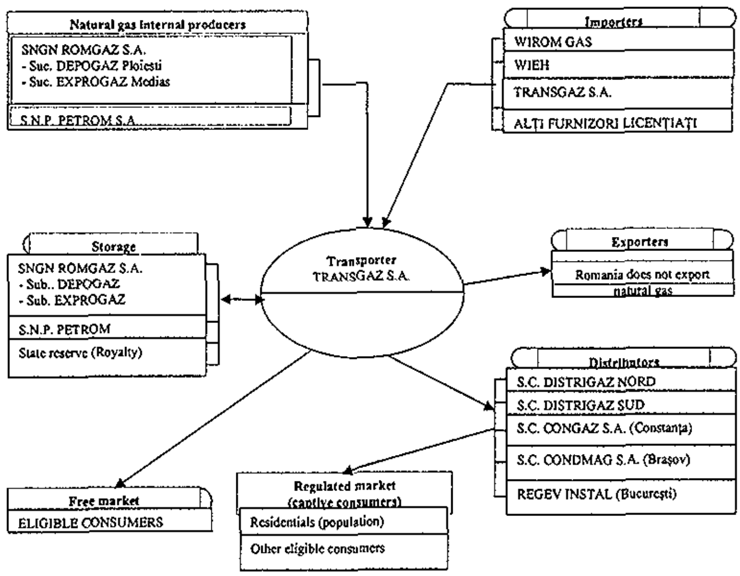
⇨ Competences:
- Grants/suspends/withdraws licenses and authorizations
- Establishes the base principles for frame-contracts regarding natural gas selling, purchasing and supplying
- Prevents the dominant position abuse on natural gas market

Commercial and market regulations

- Criteria and methods for establishing regulated prices and tariffs in natural gas sector
- Establishing the initial degree for opening the internal natural gas market at 10%, representing a 1.7 billion cubic meters consumption
- Declaring 17 companies as eligible consumers, with 18 consumption points
- *Supplying frame-contracts for captive consumers, natural gas* sale-purchase frame-contracts for eligible consumers
- Approval for the unique regulated price for captive consumers in natural gas sector
- Establishing distribution regulated tariffs in natural gas sector, according to the connection technical solution

Present natural gas market structure in Romania

ANRGN



Scenarios regarding gas market development, identified by PHARE consultant

ANRGN

- Scenario 1: High competition
- Scenario 2: Limited competition

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Scenario 1

- The opening of the market at the level of producers and suppliers in Romania, according to this scenario, should presume some stages:
  - quick privatization of production and exploration companies
  - state implication only into the activity of operating the transport grid and storage capacities for ensuring non-discriminatory access
  - issuing some access and grid utilization rules
  - ensuring some alternative sources from import (Western Europe)
  - avoiding to implement some extended rules regarding imported and exported quantities

Scenario 1

- The opening of the market at the level of final consumers requires the following stages:
  - quick automatization of natural gas consumption metering and invoicing
  - issuing the cost calculation models which to permit final consumers' non-discriminatory access
  - defining the eligible consumers so that quick extension of potential market for suppliers and producers to be ensured

Scenario 2

The opening of the market at the level of producers and suppliers in Romania is accomplished step by step, main conditions for such an *approach being:*

- ensuring of non-discriminatory access of the market players to the competitive environment
- simplifying the approach of the problems regarding the access to the grid
- establishing an independent body able to analyze the market changes and initiate the appropriate measures for liberalization
- establishing some clear eligibility criteria which to permit subsequent enlargement of eligible consumers' circle
- establishing a market where the players to purchase natural gas without discrimination and anonymous

Scenario 2

- The opening of the market at the level of final consumers requires the following measures:

  - ensuring an infrastructure at producers level for balancing and invoicing the supplied quantities
  - performing transport and distribution services without any discrimination; fair allocation of costs between sources
  - market players must be free to imagine their own method for calculating the price, including an evaluation of risk made by the producer

Future development of gas market
Case study

Main issues that should be take into consideration:

- institutional and legislative framework
- security and continuity in consumers' natural gas supplying
- developing and modernizing the infrastructure (production, transport, underground storage, distribution)
- financial blockage and contractual discipline

INSTITUTIONAL AND LEGISLATIVE FRAMEWORK

Institutional framework

- ANRGN established in year 2000 ✓
- Market operator established in year 2001 ✓
- Unbundling the activities in the sector ✓
  - ROMGAZ S.A. - producer and storer
  - TRANSGAZ S.A. - common carrier
  - DISTRIGAZ SUD S.A. - distributor
  - DISTRIGAZ NORD S.A. - distributor

Legislative framework

- G.O. 60/2000 approved and modified by Law no.463/2001 ✓
- Law 213, Law 219, Petroleum Law ✓
- G.O. 41/2000 ✓

Conclusions: The institutional and legislative framework have been established in harmony with European legislation, but further development of secondary legislation and modification of primary legislation is necessary.

SECURITY AND CONTINUITY IN CONSUMERS' NATURAL GAS SUPPLYING

- SUPPLYING SECURITY - KEY ISSUE IN NATURAL GAS MARKET DEVELOPMENT
  - Capacity of maintaining gas supplying, even in critical periods
  - Access posibility of gas volume on long term
  - Minimizing supplying interruption risks and ensuring the quick action capacity in interruption cases (technical accidents)

Next page

- Developing the underground storage (including by the transporter)
- Interconnecting SNT to the transport systems of neighbour countries

Back

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- The existence of long and medium term natural gas import contracts

Back

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- Modernizing and rehabilitation of infrastructure of SNT and gas distribution

Back

CONCLUSIONS

ANRGN

- There are no models for establishing a free and competetive market
- Liberalization of gas market should be accomplished taking into consideration specific conditions
- Analysis of the effects of the regulations issued before taking future decisions
- Scope of gas market liberalization:
  - lower prices to the consumers
  - better services

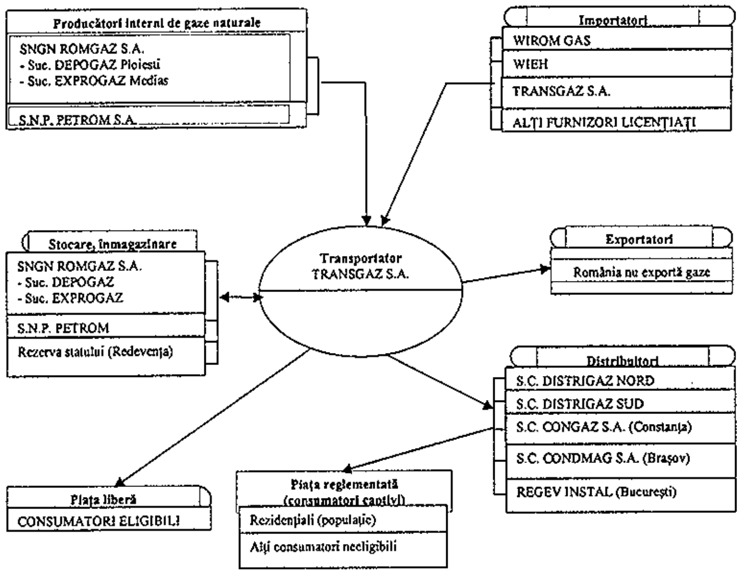
ANRGN - Atribuţii şi competenţe

- Atribuţii principale:
  - Reglementări comerciale şi de piaţă
  - Licenţiere, autorizare
  - Reglementări tehnice
  - Proceduri privind medierea şi soluţionarea neînţelegerilor
  - Controlul şi sancţionarea nerespectării legislaţiei secundare în sector
- Competenţe:
  - Acordă/suspendă/retrage autorizaţii şi licenţe
  - Stabileşte principiile de bază ale contractelor-cadru privind vânzarea, achiziţia şi furnizarea gazelor naturale
  - Previne abuzul de poziţie dominantă pe piaţa gazelor naturale

Reglementări comerciale şi de piaţă

- Criteriile şi metodele de stabilire a preţurilor şi a tarifelor reglementate în sectorul gazelor naturale
- Stabilirea gradului iniţial de deschidere a pieţei interne a gazelor naturale la 10%, reprezentând un consum de 1,7 mld. mc
- Declararea drept consumatori eligibili a unui număr de 17 societăţi, cu 18 puncte de consum
- Contractele-cadru de furnizare pentru consumatorii captivi, contractul-cadru de vânzare-cumpărare gaze naturale pentru consumatorii eligibili
- Aprobarea preţului reglementat unic pentru consumatorii captivi din sectorul gazelor naturale
- Stabilirea tarifelor reglementate de distribuţie în sectorul gazelor naturale, diferenţiate în funcţie de soluţia tehnică de conectare

Structura actuală a pieţei de gaze din România



Scenarii privind dezvoltarea pieţei de gaze, identificate de consultantul PHARE

- Scenariul 1: Intensitate ridicată a competiţiei
- Scenariul 2: Intensitate limitată a competiţiei

Scenariul 1

- Deschiderea pieţei la nivelul producătorilor şi furnizorilor în România, în condiţiile acestui scenariu, ar presupune parcurgerea unor etape:

  - privatizarea rapidă a societăţilor de producţie şi explorare
  - implicarea statului doar în activitatea de operare a reţelei de transport şi a capacităţilor de stocare pentru a asigura accesul nediscriminatoriu la acestea
  - elaborarea unor reguli de acces şi de utilizare a reţelei
  - asigurarea unor surse alternative de import (Europa de Vest)
  - evitarea implementării unor reglementări extinse privind cantităţile importate şi exportate

Scenariul 1

- Deschiderea pieţei la nivelul utilizatorului final necesită parcurgerea următoarelor etape:

  - automatizarea rapidă a contorizării şi a facturării consumului de gaze naturale
  - elaborarea de modele de calcul al costurilor care să permită accesul nediscriminatoriu al consumatorilor finali
  - definirea consumatorilor eligibili astfel încât să asigure extinderea rapidă a pieţei potenţiale pentru furnizori şi producători

Scenariul 2

- Deschiderea pieţei la nivelul producătorilor şi furnizorilor în România se face pas cu pas, principalele condiţii pentru o astfel de abordare fiind:
  - *asigurarea accesului nediscriminatoriu a actorilor pieţei la* mediul competitiv
  - simplificarea abordării problemelor legate de accesul la reţea
  - crearea unei instanţe independente capabilă să analizeze schimbările pieţei şi să iniţieze măsurile adecvate pentru liberalizare
  - stabilirea unor criterii de eligibilitate clare, care să permită lărgirea ulterioară a cercului consumatorilor eligibili
  - crearea unei pieţe în care actorii să poată achiziţiona gaze fără discriminări şi în mod anonim

Scenariul 2

- Deschiderea pieţei la nivelul utilizatorului final necesită aplicarea următoarelor măsuri:
  - asigurarea unei infrastructuri la nivelul producătorilor pentru echilibrarea şi facturarea cantităţilor livrate
  - prestarea nediscriminatorie a serviciilor de transport şi distribuţie; alocarea corectă a costurilor între surse
  - actorii de pe piaţă trebuie să fie liberi să-şi configureze metoda de calcul a preţului, incluzând o evaluare a riscului făcută de către producător

Dezvoltarea viitoare a pieţei de gaze
Studiu de caz

ANRGN

Principalii factori care trebuie luaţi în considerare:

- cadrul instituţional şi legislativ
- siguranţa şi continuitatea în alimentarea cu gaze a consumatorilor
- dezvoltarea şi modernizarea infrastructurii (producţie, transport, înmagazinare subterană, distribuţie)
- blocajul financiar şi disciplina contractuală

CADRUL INSTITUŢIONAL ŞI LEGISLATIV

ANRGN

Cadrul instituţional

- ANRGN înfiinţată în anul 2000 ✓
- Operatorul de piaţă înfiinţat în anul 2001 ✓
- Separarea activităţilor în sector ✓
  - ROMGAZ S.A. - producător şi înmagazinator
  - TRANSGAZ S.A. - transportator comun
  - DISTRIGAZ SUD S.A. - distribuitor
  - DISTRIGAZ NORD S.A. - distribuitor

Cadrul legislativ

- O.G. 60/2000 aprobată şi modificată prin Legea nr. 463/2001 ✓
- Legea 213, Legea 219, Legea Petrolului ✓
- O.G. 41/2000 ✓

Concluzii: A fost creat cadrul instituţional şi legislativ armonizat cu legislaţia europeană, dar este necesară dezvoltarea în continuare a legislaţiei secundare şi amendarea legislaţiei primare.

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SIGURANŢA ŞI CONTINUITATEA ÎN ALIMENTAREA CU GAZE A CONSUMATORILOR

- SIGURANŢA ÎN ALIMENTARE - FACTOR CHEIE ÎN DEZVOLTAREA PIEŢEI DE GAZE
  - Capacitatea de a menţine furnizarea gazelor, chiar şi în perioade critice
  - Posibilitatea de acces a volumelor de gaze pe termen lung
  - Minimalizarea riscurilor de întrerupere în furnizare şi asigurarea capacităţii de acţionare rapidă în cazuri de întrerupere (accidente tehnice)

Pagina următoare

- Dezvoltarea capacităţilor de înmagazinare subterană (inclusiv de către transportator)
- Interconectarea SNT cu sistemele de transport ale ţărilor învecinate

Înapoi

- Existenţa unor contracte de import gaze pe termen mediu sau lung

Înapoi

- Modernizarea şi reabilitarea infrastructurii SNT şi de distribuţie gaze

Înapoi

CONCLUZII

- Nu există modele în ceea ce priveşte crearea unei pieţe de gaze libere şi concurenţiale
- Liberalizarea pieţei de gaze trebuie făcută luând în considerare condiţiile specifice
- Analiza efectelor reglementărilor emise înaintea luării unor decizii viitoare
- Scopul liberalizării pieţei de gaze:
  - preţuri mai mici la consumatori
  - servicii mai bune

Organizarea companiei: Implicarea concurentei
Prezentare pe scurt

David A. Foti, Senior Manager
Accenture Energy Practice
Huston, Texas, USA

Premisele de la care pleaca prezentarea de fata sunt acelea ca in general in Europa, si in special in Romania, directia catre care se indreapta sectorul energetic este mai putin catre o piata reglementata si mai mult catre una concurentiala. In acest context, companiile, in cazul de fata cele din sectorul gazelor naturale, trebuie sa ia in considerare strategii noi si cele mai bune structuri de organizare interna.

Companiile din sectorul gazelor naturale din America de Nord au reactionat la presiunile concurentiale produse de liberalizare prin adoptarea unor noi structuri. Unele dintre ele au implicat reduceri de personal, intrarea pe noi piete si fuzionarea cu sau achizitionarea de noi companii. Discutia care urmeaza arata cum o companie romaneasca de gaze naturale poate incepe o analiza care ar conduce la decizia de a fuziona cu/sau achizitiona o alta companie de gaze naturale sau din domeniul energetic.

Calea catre fuzionare sau achizitie incepe atunci cand echipa de conducere administrativa considera ca aceasta este cea mai buna metoda de punere in practica a strategiei companiei. Exista momente cand cea mai buna optiune a unei companii pentru punerea in practica a strategiei este fuzionarea sau achizitionarea unei noi companii. Odata ce s-a stabilit efectuarea unei analize privind o fuzionare sau o achizitie, compania va contacta in general un investitor sau un consultant pentru aceasta analiza. Daca compania considera ca poseda toate mijloacele necesare, poate face analiza respectiva chiar ea insasi.

Primul pas este sa se specifice foarte precis scopul oricarei actiuni. Indiferent daca este un scop tactic (de ex. reducerea costurilor, intrarea pe piata) sau strategic (de ex. castigarea de noi valente), este important ca acest scop sa se incadreze perfect in viziunea strategica a companiei ca un principiu de baza pe care sa se fundamenteze analiza. Deseori este util si un studiu al peisajului concurential. Pentru companiile din sectorul gazelor naturale, unii dintre factorii importanti care ar trebui studiati sunt furnizarea, inmagazinarea, transportul, preturile si cererea. Aceste informatii ofera cadrul in care are loc achizitionarea.

Faza urmatoare este stabilirea achizitionarii. In timpul acestei faze, compania defineste acele criterii pe care ea le considera vitale pentru a deveni atractiva unui potential candidat la preluare. Criteriile catre care se tinde vor depinde de scopul strategic care conduce la fuzionarea sau achizitia propuse.Daca scopul este de a creste venitul din investitie, atunci se va concentra asupra acestuia; daca sunt dorite anumite active, atunci ele vor fi cheia etc. Daca se doreste, se poate cantari fiecare criteriu. Scopul procesului de fixare a tintei este de a alege din multitudinea de potentiali candidati doar pe cei mai buni, si va ramane o lista selectata..

Se face o descriere detailata a fiecarei companii de pe lista respectiva. Aceasta descriere poate contine informatii precum: amplasarea activelor, valoarea, istoria companiei, tranzactiile recente, structura financiara, partenerii strategici etc. Utilizand o

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combinatie a acestor informatii, adunate atat de la echipa executiva a companiei cat si de la consilierii din afara ei, se elaboreaza o strategie de abordare.

Presupunand ca compania tinta este dispusa sa discute despre o fuzionare sau achizitionare, va incepe faza de calculare a beneficiilor. Calcularea beneficiilor este impartita in trei parti: economia din domeniul muncii vii, economii din alte domenii decat munca vie si sinergiile veniturilor din investitii. Economiile din domeniul muncii vii provin in principal dintr-o organizare mai judicioasa a personalului, cresterea efortului si aplicarea celor mai bune practici. Economia de munca vie este predominanta la nivel companie si la nivel administrativ. Normal sunt posibile unele reduceri de personal, dar la o cota redusa. In general, cu cat cele doua companii sunt mai aproape din punct de vedere geografic, cu atat economiile sunt mai mari.

Costurile din alte domenii decat munca vie includ toate costurile care nu fac parte din salarii si prime. Aceste economii sunt rezultatul tipic al cresterii puterii de cumparare, scaderea stocurilor, organizare mai judicioasa a personalului si aplicarea celor mai bune practici. Marimea economiilor in alte domenii decat munca vie va depinde in mod deosebit de categoria care este evaluata.de exemplu, sumele alocate consiliului de conducere pot fi scazute in mod substantial, dar reducerea costurilor de inventar depinde de cat de asemanatoare sunt activele celor doua companii si de gradul lor de apropiere.

Analiza sinergiei veniturilor din investitii se concentreaza pe exploatarea capacitatii unei companii de a genera venit pe seama clientilor celorlalte companii. Cateva exemple in acest sens sunt extinderea pietei pentru un produs sau serviciu brevetat, sprijinarea tehnicilor pentru o utlizare mai buna a fortei de munca, imbinarea eforturilor de cercetare cu cele pentru dezvoltare pentru obtinerea de noi produse si o constientizare mai accentuata a marcii noii companii.

Partea cea mai dificila a unei actiuni de fuzionare sau achizitie consta in integrarea celor companii si obtinerea profiturilor prevazute. Cercetarile recente au demonstrat ca mai mult de jumatate din fuziuni sau achizitii nu au dat rezultatele scontate. Acest esec poate conduce in cel mai bun caz la o scadere a valorii actiunilor, iar in cel mai nefericit caz la demiterea echipei manageriale executive a companiei nou create.

Guest Speakers

John P. Banks

Mr. Banks is a Project Manager with Nexant, Inc. and has 13 years of experience in power sector restructuring and privatization, regulatory reform and organizational restructuring in developing countries. He has advised governments throughout Asia, Africa, Central and Eastern Europe, Latin America and the Caribbean, the Middle East and the former Soviet Union on strategies for introducing private sector participation in the energy sector, including identifying the optimal institutional structure, ownership of assets and the effective mechanisms of coordinating industry activities. Mr. Banks has also advised utilities, government agencies and regulatory bodies on appropriate organizational and staffing reforms required to function in an evolving commercial framework. Prior to joining Nexant, his consulting experience included positions with Stone & Webster Management Consultants (New York City) and International Resources Group (Washington, DC).

Mr. Banks has an MS in Foreign Service from Georgetown University (Washington, DC), and a BA in Spanish from Boston College. He lives in New York City.

David A. Foti

Mr. Foti is a Senior Manager in Accenture's Trading and Risk Management Group. For the past nine years, Mr. Foti has been performing studies related to energy and utility economics, risk management, reengineering, and merger synergy analysis. He has also participated in performance measurement and shared services projects as well as having led custom information systems projects. Mr. Foti's career path has included positions of increasing responsibility with the management consulting practices of Price Waterhouse and Arthur Andersen; with Deloitte & Touche Consulting, where he was Manager of Mergers & Acquisitions; and with Enron, where he was Manager of Risk Management. His international consulting experience includes projects in South America as well as a pre-privatization study of the gas sector in Hungary in 1992.

Mr. Foti has an MBA from the University of Houston and a BBA in Finance from the University of Texas at Austin. He lives in Houston, Texas.

INVITATI

John P. Banks

Dl. Banks este Project Manager in cadrul Nexant, Inc. si are 13 ani de experienta in restructurarea sectorului energetic si privatizare, reforma in reglementare si restructurarea organizatorica in tarile dezvoltate. A consiliat guverne din Asia, Africa, Europa Centrala si de Est, America Latina si tarile caraibiene, Orientul Mijlociu si fosta Uniune Sovietica, privind strategiile pentru introducerea participarii sectorului privat in domeniul energetic, incluzand si identificarea structurilor institutionale optime, proprietatea asupra activelor si mecanismele efective de coordonare a activitatilor din industrie. Dl. Banks a consiliat de asemenea agentii guvernamentale de utilitati si organisme de reglementare privind reformele cele mai potrivite orgainzatorice si de personal, necesare pentru a functiona intr-un cadru comercial in evolutie. Inainte de a se alatura companiei Nexant, experienta sa in consultanta a inclus pozitii in cadrul firmelor Stone &Webster Management Consultants (New York City) si International Resources Group (Washington, DC).

Dl. Banks are o diploma Master of Science pentru Servicii Straine de la Georgetown University (Washington, DC) si una Bachelor of Administration in limba spaniola de la Boston College . Locuieste in New York City.

David A. Foti

Dl. Foti este senior manager in cadrul firmei Accenture's Trading and Risk Management Group. In ultimii noua ani dl. Foti a facut studii referitoare la energie si gestionarea companiilor de utilitati, managementul riscului, retehnologizare si analize a sinergiei fuziunilor. A participat de asemenea la proiecte privind evaluarea performantelor si proiecte referitoare la prestarea de servicii, si optimizarea proiectelor pentru sistemele informatice. Cariera d-lui Foti a inclus pozitii de mare raspundere la firme de consultanta ca Price Waterhouse and Arthur Andersen, firma Deloitte &Touche Consulting, unde a fost directorul compartimentului Fuziuni&Achizitii, Enron, unde a fost director la Managementul Riscului. Experienta sa internationala in consultanta include proiecte in America de Sud si studii ante-privatizare in sectorul gazului natural din Ungaria in 1992.

Dl. Foti detine diplome Master of Business Administration de la Universitatea din Huston si Bachelor of Business Administration in finante de la Universitatea Texas din Austin. Locuieste in Huston, Texas.

USAID

Nexant

Corporate Structures: Implications for Competition Executive Summary*

David A. Foti, Senior Manager
Accenture Energy Practice
Huston, Texas, USA

The hypothesis of the attached presentation is that generally in Europe specifically in Romania, the trend in the energy sector is towards less regulation and more competitive markets. This shift in the regulatory paradigm requires companies, in this case natural gas utilities, to consider new strategies and the appropriate supporting corporate structures.

Natural gas utilities in North America have reacted to the resulting competitive pressures brought about by deregulation by adopting new corporate structures. Some of these new corporate structures have supported employee headcount reductions, entry into new markets, and positioning to merge or acquire another company. The following discussion outlines how a Romanian gas company could begin the analysis that would support a decision to merge with or acquire another gas or energy company.

The road to entering into a merger or acquisition typically begins when a company's executive team considers the best way to execute the company's stated strategy. There will be times when a company's best option for strategic execution is to acquire or merge with another company. Once it is decided to pursue a merger and acquisition analysis, the company will generally contact an investment banker or a consultant to perform an analysis. If the company feels it has the necessary sophistication it may choose to begin the analysis itself.

The first step is to clearly articulate the purpose for any planned combination. Whether the goal is tactical (e.g. reduce costs, gain market share) or strategic (e.g. gain new capabilities), it is important that the goal is clearly framed against the company's strategic vision as a guiding principle to drive the analysis. Next, often a study of the competitive landscape is performed. For natural gas companies some of the important factors that should be studied are supply, storage, transportation, prices, and demand. This information provides the context in which to perform the acquisition targeting.

Acquisition targeting is the next phase. During this phase, the company defines those criteria, which it believes critical to the desirability of a potential takeover candidate. The targeting criteria will depend on the strategic goal driving the proposed merger or acquisition. If the purpose is to increase revenue then revenue metrics will be focused upon; if certain assets are desired then asset location will be key, etc. A formal weighting for each criteria can be assigned as well if desired. The goal of the targeting process is to filter through the universe of potential candidates until only the few best candidates remain to create the short list.

Typically a detailed description of each short list company is then performed. This detailed description may include information such as; asset location, valuation, corporate history, recent transactions, financial structure, strategic partnerships, and so on. Using

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Corporate Structures: Implications for Competition Executive Summary

a combination of this information and industry insight garnered from the company's executive team and outside advisors a target company will be selected to approach.

Assuming the target company is amenable to discuss a merger or acquisition opportunity the benefits calculation phase will begin[1]. The benefits calculation is divided up into three pieces: labor savings, non-labor savings, and revenue synergies. Labor savings will primarily result from economies of scale, duplication of effort, and the sharing of best practices. Labor savings are most predominate at the corporate and administrative level. Some reductions are normally possible in field employees but at a reduced percentage. Generally the closer the two companies are geographically the better the savings.

Non-labor costs include all costs not attributable directly to salaries and bonuses. Non-labor savings are typically the result of increased purchasing leverage, portfolio effect on inventory, economies of scale, and sharing of best practices. The magnitude of non-labor savings will depend greatly on the category being evaluated. For instance, board of director fees almost can always be cut dramatically while inventory cost reduction will depend upon how similar the assets are between the two companies and their proximity.

The revenue synergy analysis focuses on exploiting one company's excellence in revenue generation on the other company's client base. Examples of this include expanded marketing of a patented product or service, leveraging the techniques of the more effective sales force, combining research and development efforts for new product development, and a stronger brand awareness through the combined size of the new company.

The most difficult part of successfully completing a merger or acquisition is in integrating the two companies and realizing the expected merger benefits. Recent research has shown that over half of mergers and acquisitions fail to deliver their expected results. Failed merger integration can lead to a stock price decline at best and the dismissal of the combined company's executive team at worst.

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[*] Presented at the Joint USAID/EUPhare Conference on Transitional Issues in the Romanian Natural Gas Sector, conducted at Poiana Brasov, Romania, September 27-28, 2001.

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[1] In cases where the candidate company is hostile to the proposed transaction, the benefits calculation can still be performed, albeit with less assurance, at a higher level using public information.

accenture

USAID

Evaluating Mergers & Acquisitions for Natural Gas Utilities

Presented by: *David A. Foti, Senior Manager*
Accenture Energy Practice

Poiana Brasov, Romania
September 27-28, 2001

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Agenda

- **Objective**
- Alignment with Strategy
- Competitive Environment Analysis
- Acquisition Targeting
- Benefits Calculation
- Next Steps

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Objective

Given that the Romanian Gas Industry is moving towards private sector investments and the Ministry of Industry and Resources is playing a diminishing role in operational business decisions:

- *How can Romanian gas companies identify and evaluate possible mergers & acquisitions?*
- *What are the expected benefits of these new business structures?*
- *What should a Romanian gas company expect if it is a target of a merger & acquisition?*

Agenda

- Objective
- **Alignment with Strategy**
- Competitive Environment Analysis
- Acquisition Targeting
- Benefits Calculation
- Next Steps

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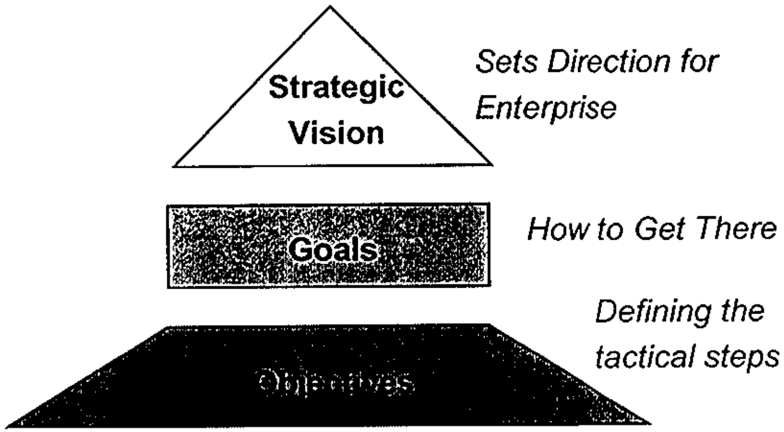
Rationalizing a Natural Gas Merger and Acquisition with Existing Strategy

Mergers and Acquisitions should be aligned with Management's stated strategy, goals, and objectives



Some Typical Aligning Factors:

- Leverage a core competency
- Gain market share
- Gain new technology
- Eliminate a competitor
- Economies of scale
- Enter new market
- Geographical expansion
- Gain capabilities
- Purchasing leverage

Example Transactions

Company/Strategy:

Enron (Gas and Power Co.) - To leverage its trading and risk management capabilities in order to make markets

Entergy (Gas and Power Co.) - Growth through trading, asset development, and nuclear operations

Acquired Company/ Aligning Factor

MG's Metal Company (2000) - enter a new market

Yankee Nuclear Plant (2001) - use best practice nuclear operations skills to increase asset value through shorter fueling cycles

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Agenda

- Objective
- Alignment with Strategy
- **Competitive Environment Analysis**
- Acquisition Targeting
- Benefits Calculation
- Next Steps

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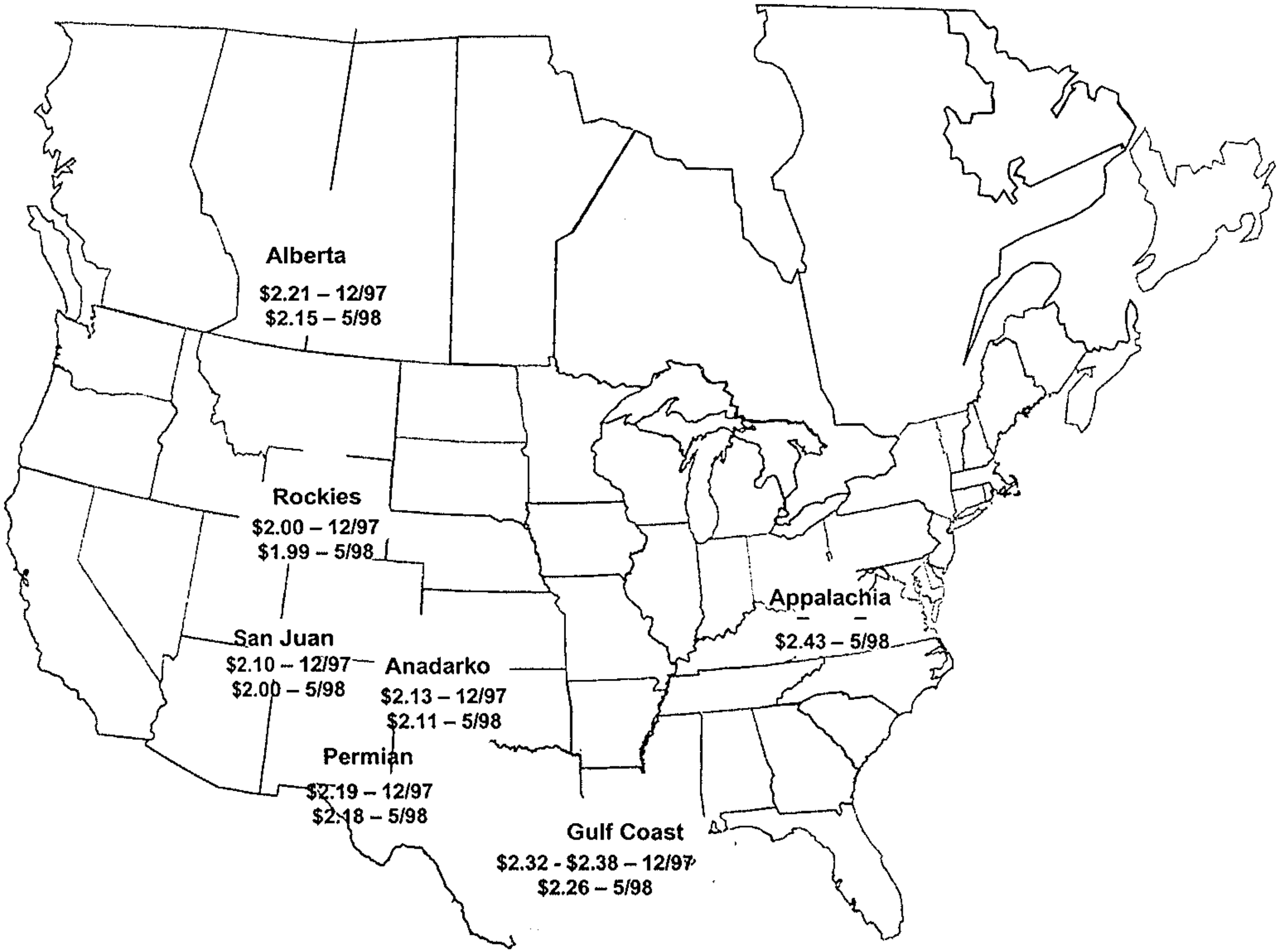
Competitive Environmental Analysis - Supply Location is Recapped



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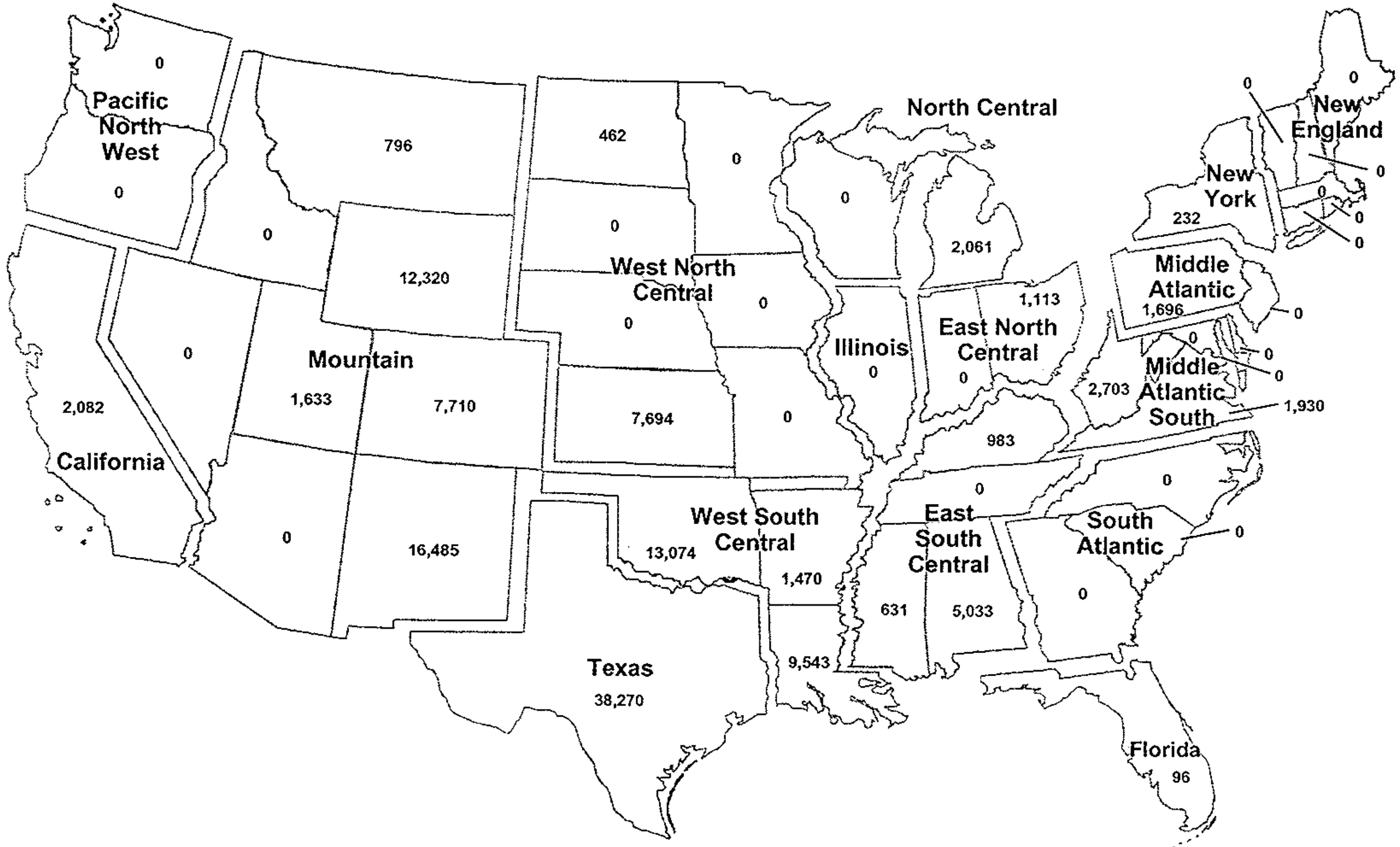
Competitive Environmental Analysis - Map Proven Reserves

By Region (BCF), 1996



Source: Energy Information Administration, U.S. Natural Gas Reserves 1996 Annual Report, November 1997

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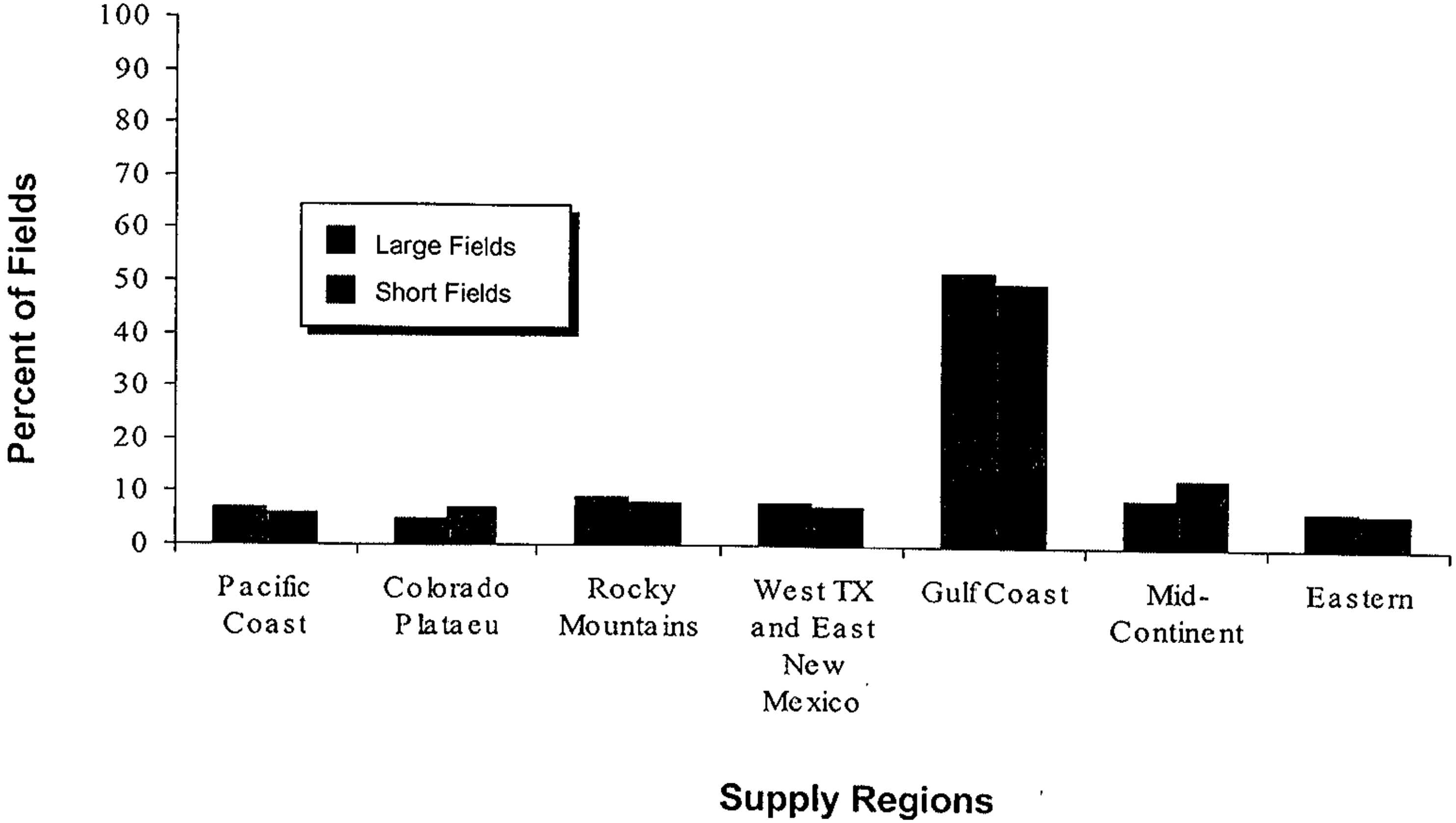
Competitive Environmental Analysis - Estimated Undiscovered Supply



Source: Department of Energy, Energy Information Administration, 1996

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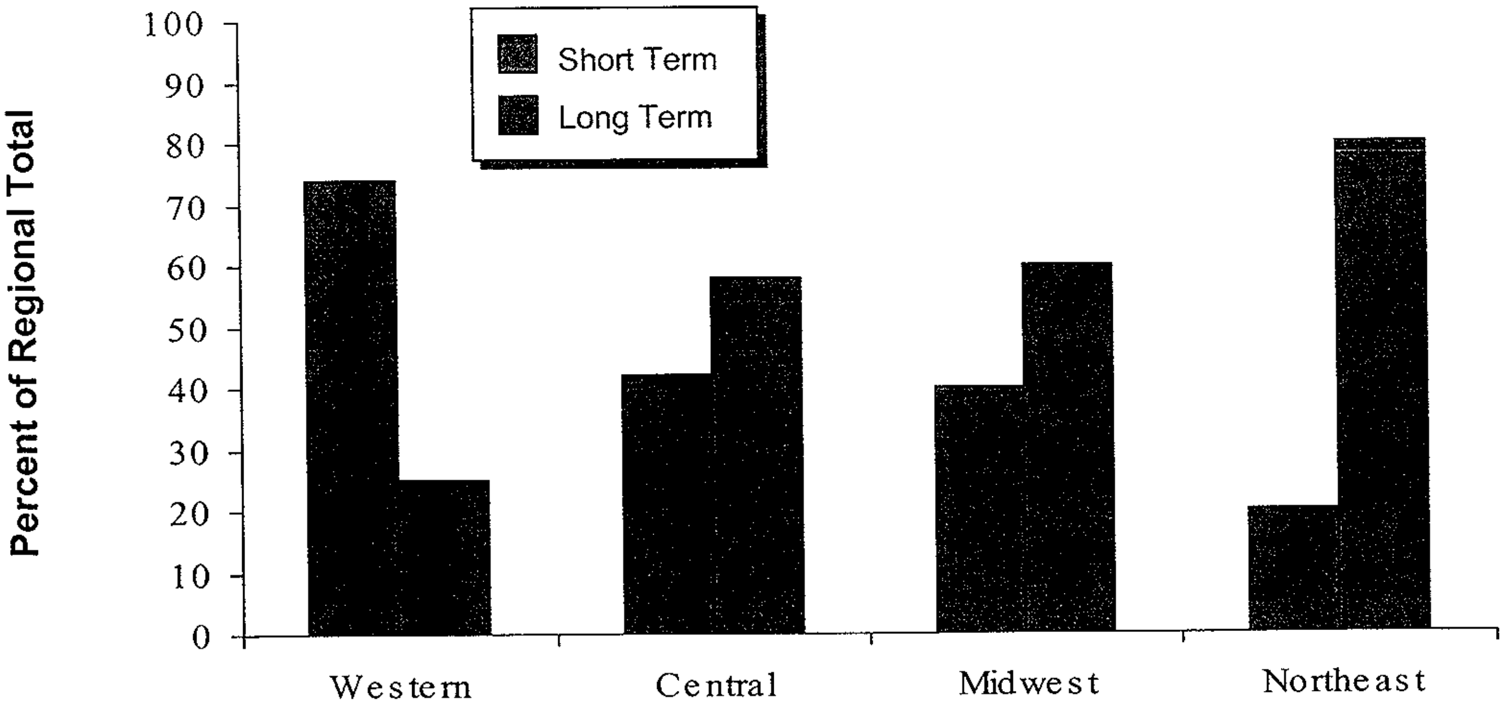
Competitive Environmental Analysis - Calculate Imported Supply

Imports of Canadian Gas
(Billion Cubic Feet)



Source: Department of Energy, Energy Information Administration

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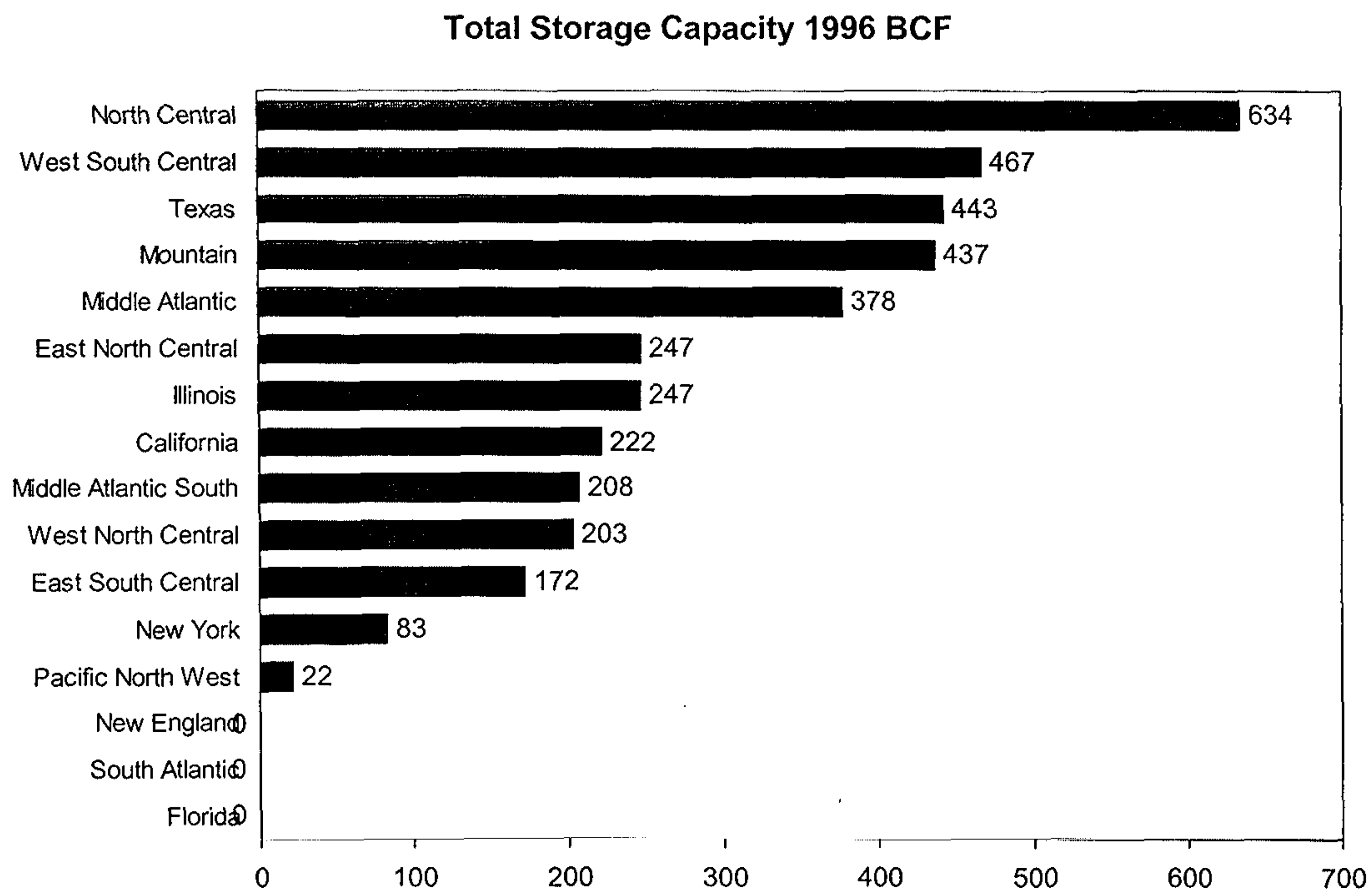
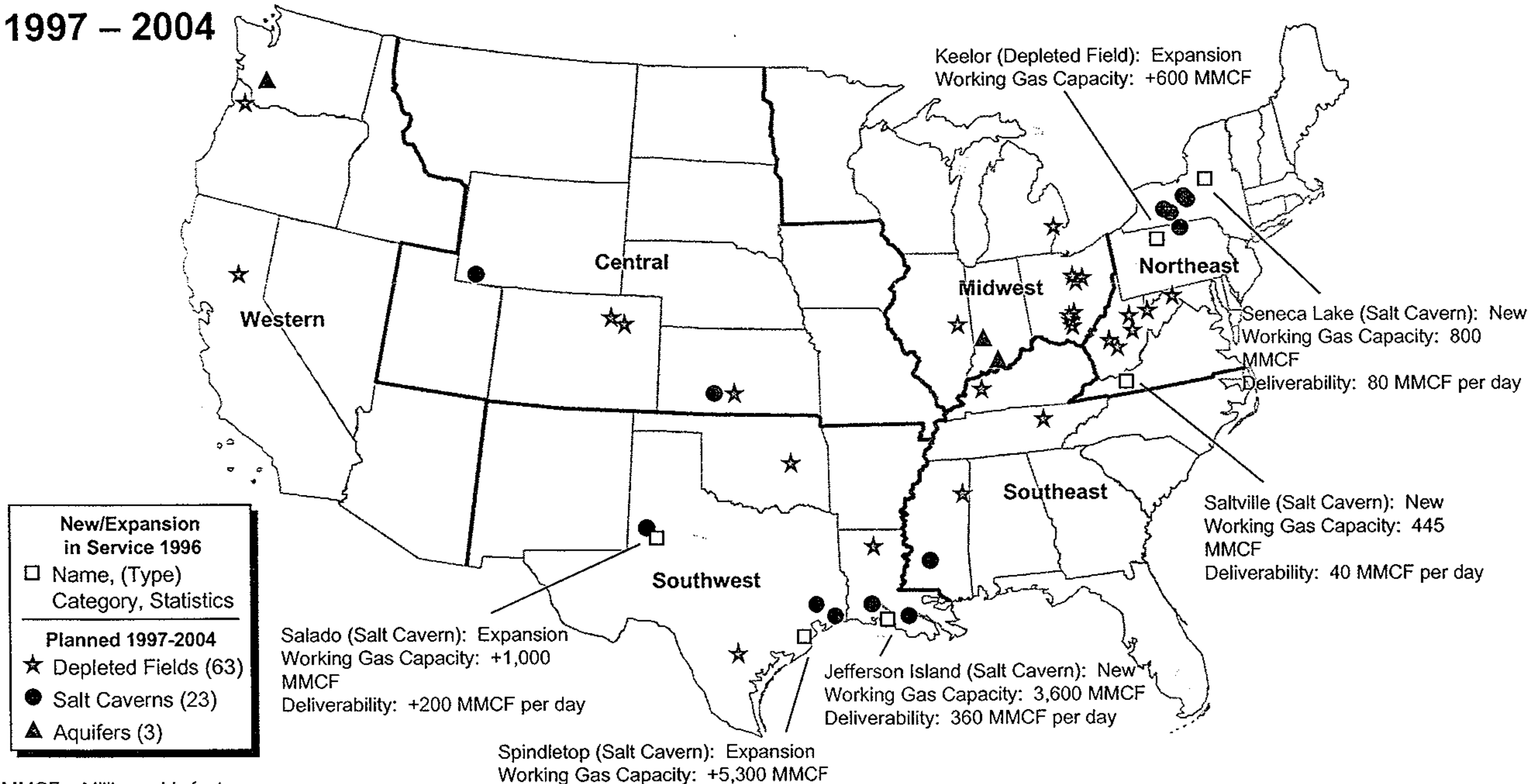
Competitive Environmental Analysis - Display Storage Capacity



Source: RDI GasDat Database

Competitive Environmental Analysis - Show Location of Major Current and Planned Storage Fields



MMCF = Million cubic feet

Notes: Includes expansions to existing facilities, proposed new facilities and proposed expansions to new facilities. Does not include projects with unknown on-line dates. In many cases, planned facilities and/or expansions are at the same location or in very close proximity, in which case facility symbols will overlay one another on the map.

Source: Energy Information Administration (EIA), EIAGIS-NG Geographic Information System, Proposed Underground Natural Gas Storage Database, as of September 1, 1997

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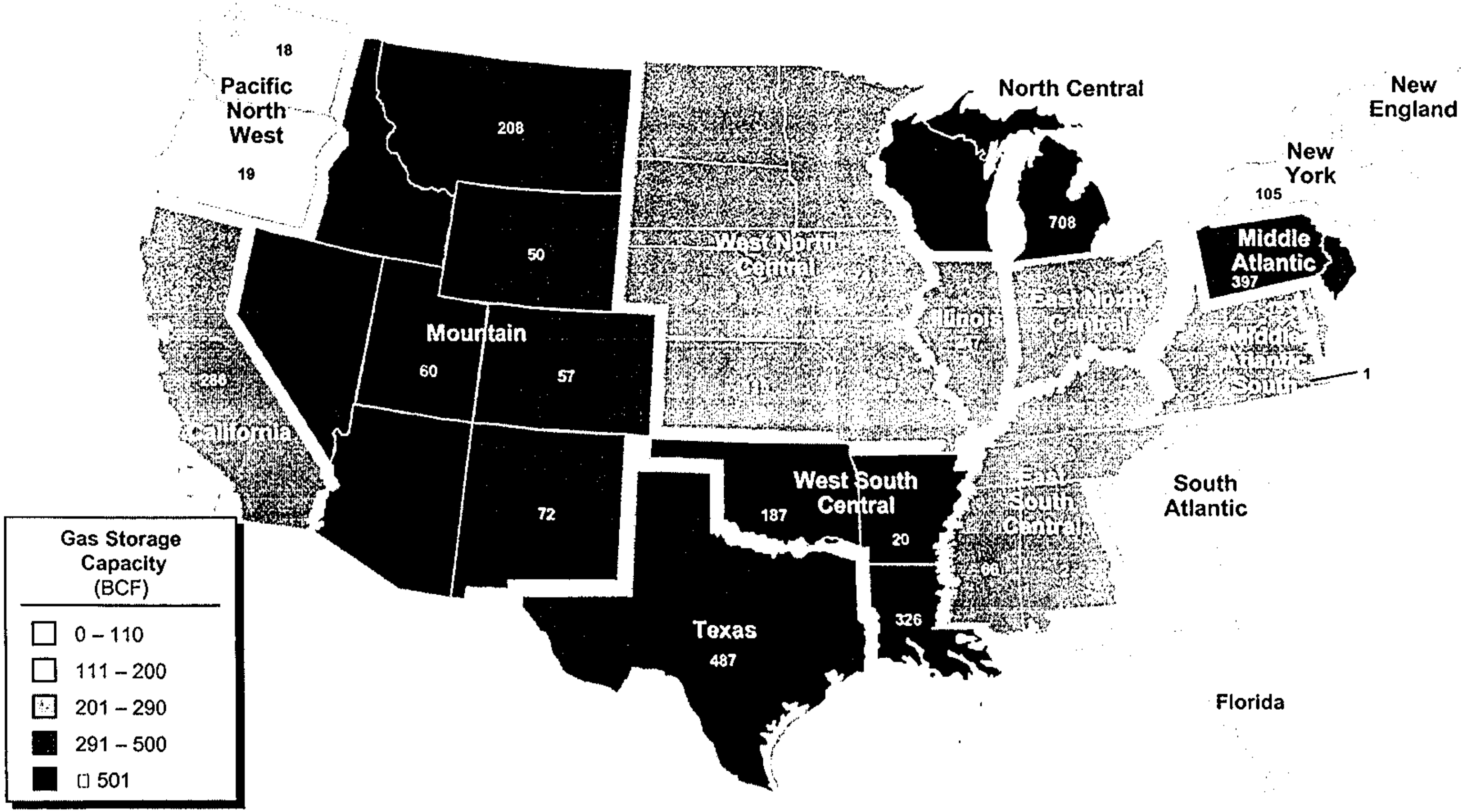
Competitive Environmental Analysis - List Planned Storage Capacity

As of 2004 (BCF)



Source: Department of Energy, Existing and Proposed U.S. Underground Storage of Natural Gas in 1997

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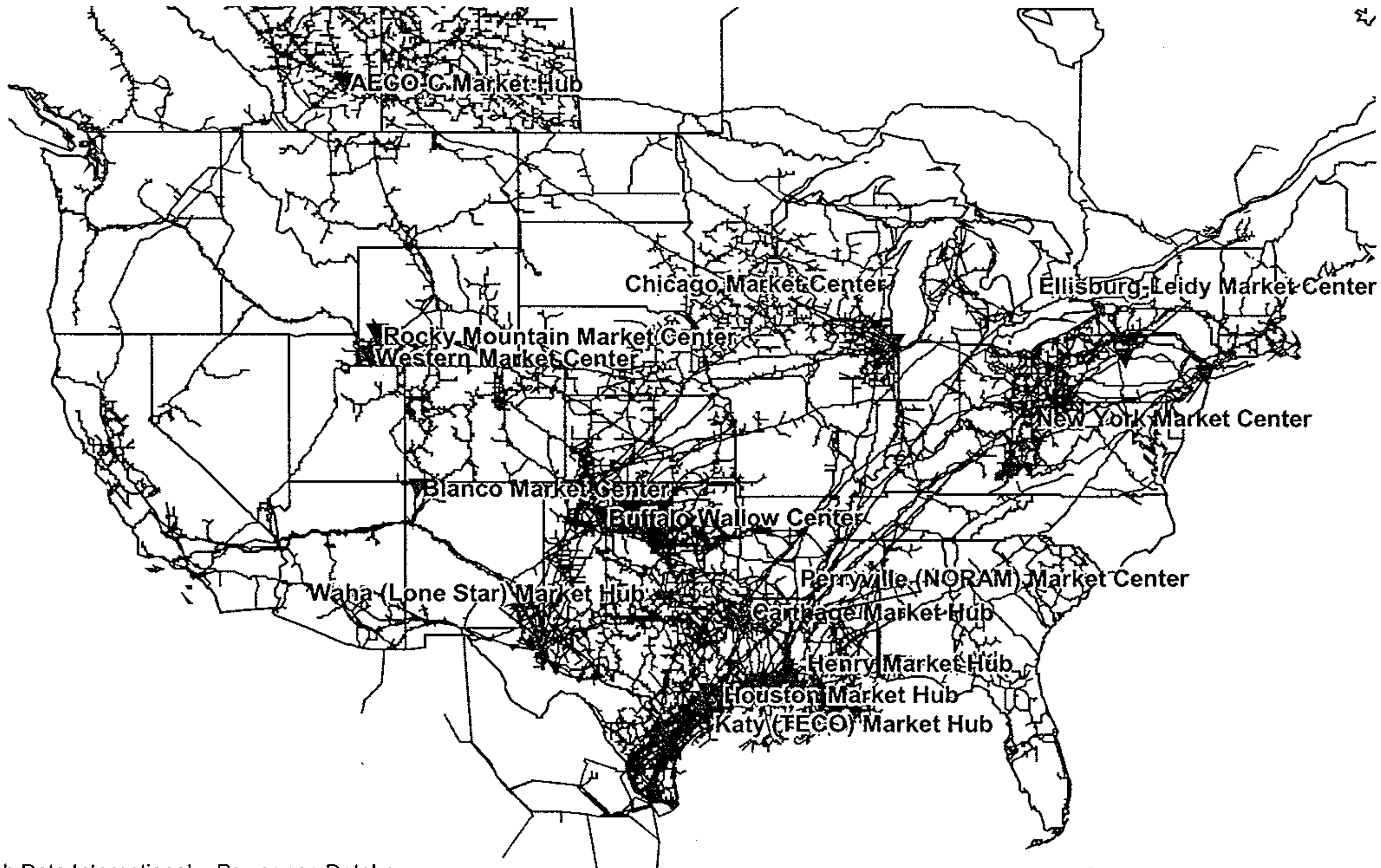
Competitive Environmental Analysis - Map Pipeline Capacity

North American Gas Pipelines and Major Market Hubs



Source: Research Data International – Powermap Database

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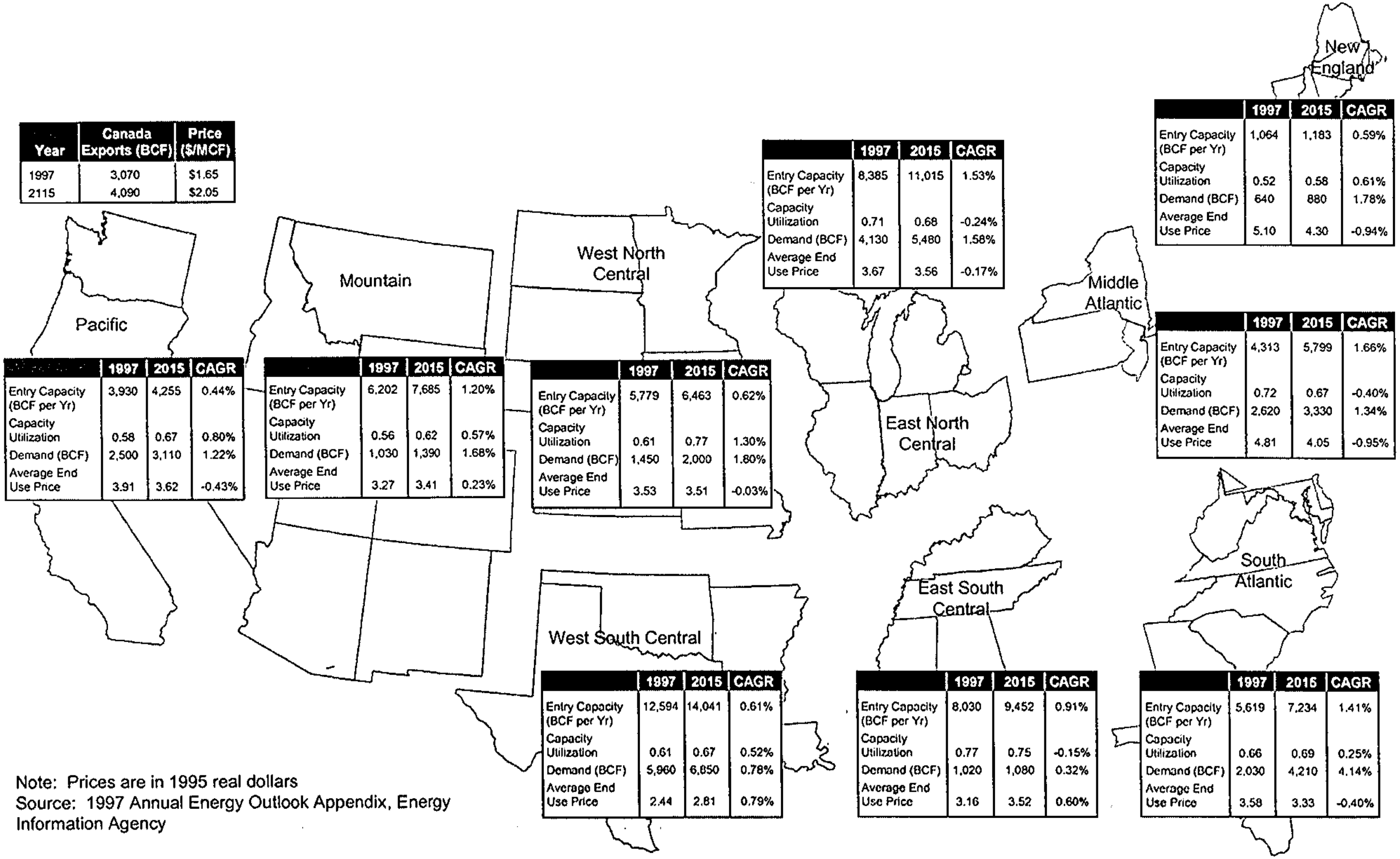
Competitive Environmental Analysis - Describe Expected Capacity, Demand, and Prices



Year	Canada Exports (BCF)	Price ($/MCF)
1997	3,070	$1.65
2115	4,090	$2.05

Pacific

	1997	2015	CAGR
Entry Capacity (BCF per Yr)	3,930	4,255	0.44%
Capacity Utilization	0.58	0.67	0.80%
Demand (BCF)	2,500	3,110	1.22%
Average End Use Price	3.91	3.62	-0.43%

Mountain

	1997	2015	CAGR
Entry Capacity (BCF per Yr)	6,202	7,685	1.20%
Capacity Utilization	0.56	0.62	0.57%
Demand (BCF)	1,030	1,390	1.68%
Average End Use Price	3.27	3.41	0.23%

West North Central

	1997	2015	CAGR
Entry Capacity (BCF per Yr)	5,779	6,463	0.62%
Capacity Utilization	0.61	0.77	1.30%
Demand (BCF)	1,450	2,000	1.80%
Average End Use Price	3.53	3.51	-0.03%

East North Central

	1997	2015	CAGR
Entry Capacity (BCF per Yr)	8,385	11,015	1.53%
Capacity Utilization	0.71	0.68	-0.24%
Demand (BCF)	4,130	5,480	1.58%
Average End Use Price	3.67	3.56	-0.17%

New England

	1997	2015	CAGR
Entry Capacity (BCF per Yr)	1,064	1,183	0.59%
Capacity Utilization	0.52	0.58	0.61%
Demand (BCF)	640	880	1.78%
Average End Use Price	5.10	4.30	-0.94%

Middle Atlantic

	1997	2015	CAGR
Entry Capacity (BCF per Yr)	4,313	5,799	1.66%
Capacity Utilization	0.72	0.67	-0.40%
Demand (BCF)	2,620	3,330	1.34%
Average End Use Price	4.81	4.05	-0.95%

West South Central

	1997	2015	CAGR
Entry Capacity (BCF per Yr)	12,594	14,041	0.61%
Capacity Utilization	0.61	0.67	0.52%
Demand (BCF)	5,960	6,850	0.78%
Average End Use Price	2.44	2.81	0.79%

East South Central

	1997	2015	CAGR
Entry Capacity (BCF per Yr)	8,030	9,452	0.91%
Capacity Utilization	0.77	0.75	-0.15%
Demand (BCF)	1,020	1,080	0.32%
Average End Use Price	3.16	3.52	0.60%

South Atlantic

	1997	2015	CAGR
Entry Capacity (BCF per Yr)	5,619	7,234	1.41%
Capacity Utilization	0.66	0.69	0.25%
Demand (BCF)	2,030	4,210	4.14%
Average End Use Price	3.58	3.33	-0.40%

Note: Prices are in 1995 real dollars
Source: 1997 Annual Energy Outlook Appendix, Energy Information Agency

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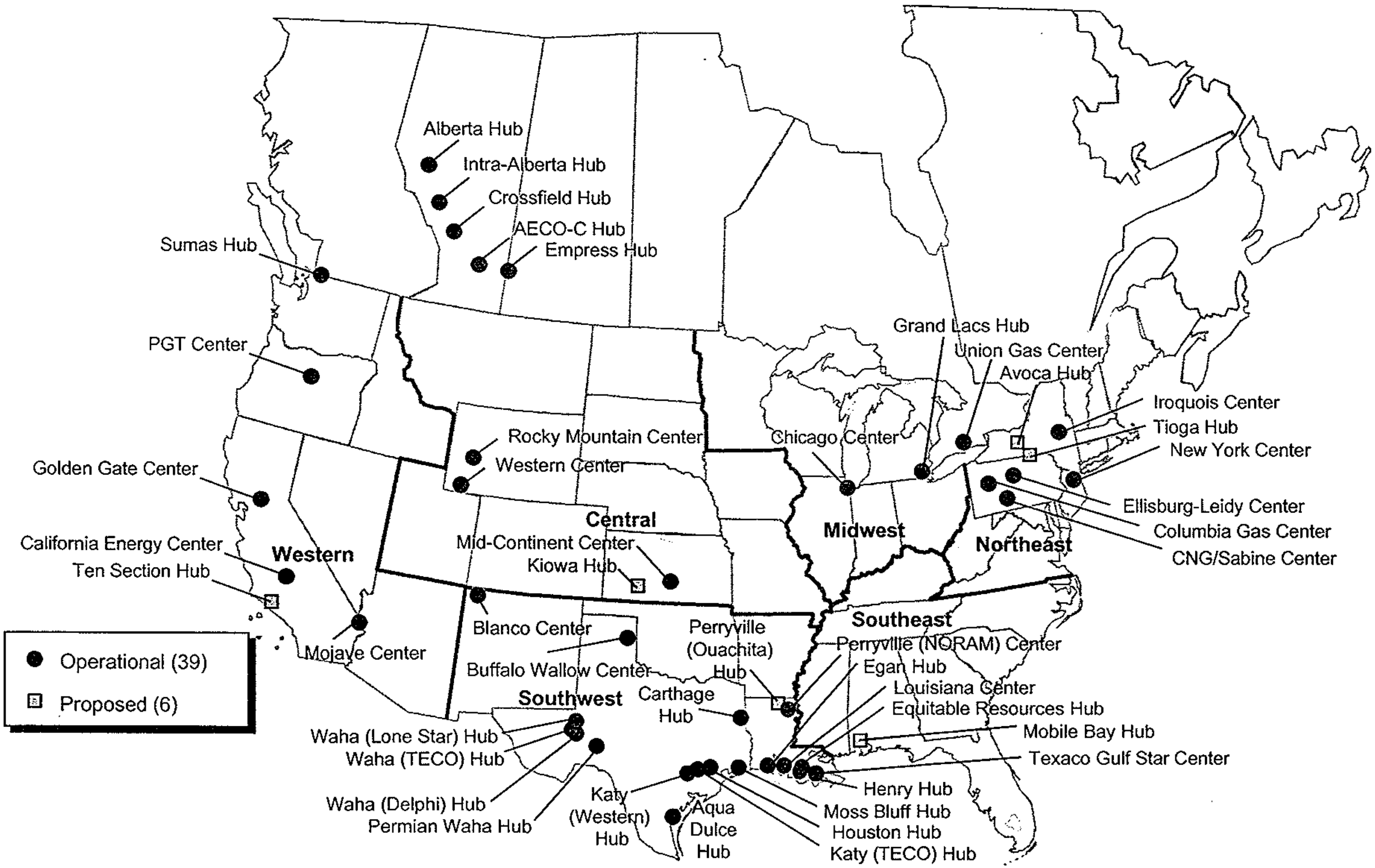
Competitive Environmental Analysis - Display Natural Gas Market Centers



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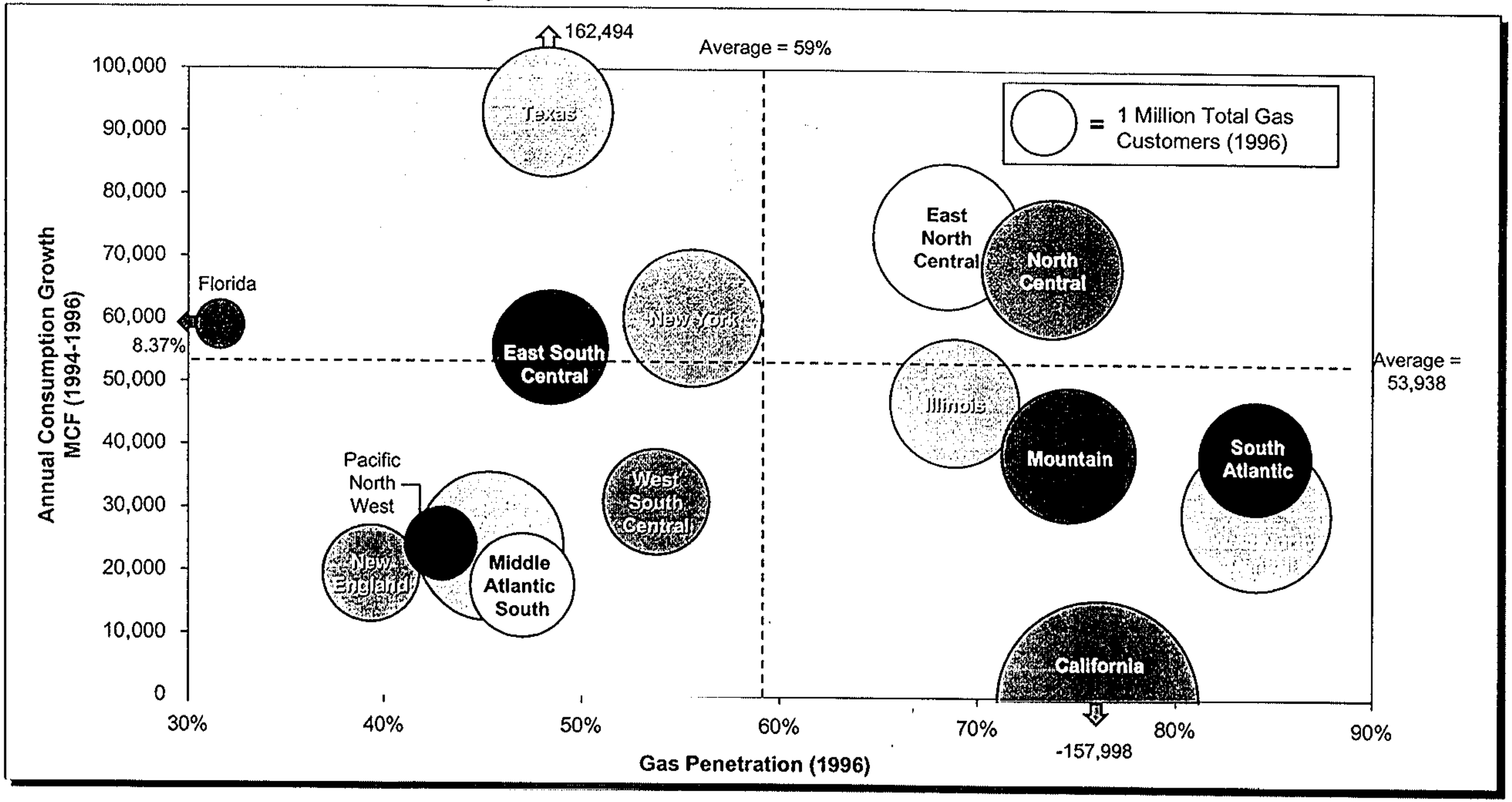
Source: Energy Information Administration, EIAGIS-NG Geographic Information System, Natural Gas Market Center/Hub Database, as of September 1996

Competitive Environmental Analysis - Determine Future Market Potential: Growth and Penetration

Gas Build out Opportunity - Size, Growth and Market Potential



Source: Department of Energy, Energy Information Administration, Natural Gas Annual, 1996; American Gas Association, Residential Natural Gas Market Survey, 1996

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Agenda

- Objective
- Alignment with Strategy
- Competitive Environment Analysis
- **Acquisition Targeting**
- Benefits Calculation
- Next Steps

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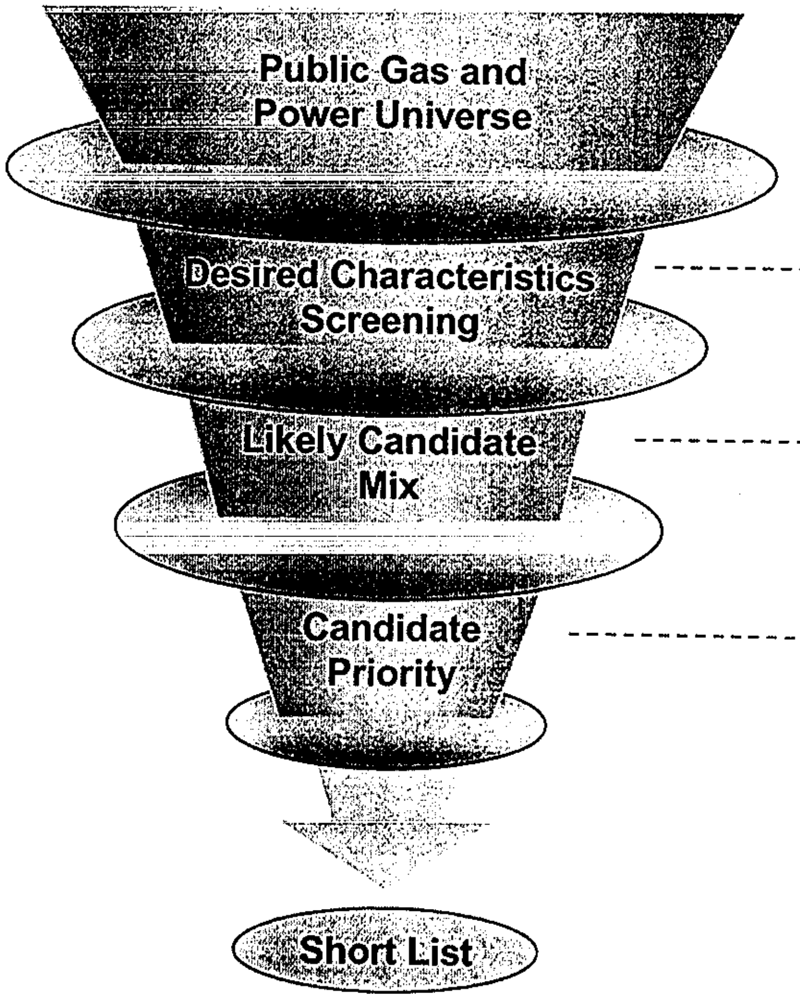
Acquisition Targeting - Determine Selection Criteria



Criteria Utilized

- Scale (Size of Operations)
- Scope (Operations other than Gas)
- Lower Cost Structure
- Available Capacity in High Growth Region
- Geographic Coverage
- Access to Markets / Pipelines
- Proximity to Existing Operations

- Vision
- Regulatory
- Doability

- Valuation
- Management
- Culture

Additional Due Diligence

- Skill
- Technology
- Retention
- Brand

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Acquisition Targeting - Perform an Assessment of Alternatives

Candidate Summary

For Illustration Purposes Only

Candidates	Scale	Scope	Efficiency	Growth	Location	Proximity	Overall
Enron	●	◕	◕	●	●	◔	●
Dynegy	◕	◕	◕	◕	◕	◑	◕
Peoples Gas	○	◔	◑	◔	◔	●	◕
Brooklyn Union	○	◔	◔	◔	◑	◑	◔
Western Resources	◔	◔	○	○	◔	●	◑
Entergy	◑	◑	◑	◑	○	◔	○
El Paso Energy	◕	◕	●	◑	●	○	◕
Columbia Gas	◑	◔	○	◔	◕	◕	◑

Rating	● Attractive ○ Unattractive

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Acquisition Targeting - Analyze the Merger from the Target's Point of View

Reverse Synergy

For Illustration Purposes Only

Candidates	Acquiring Company Attributes: Customer Base	Marketing Operations	Balance Sheet	Pipes & Storage	Back office Skills	Comments
Enron	●	◕	◕	●	●	• Gains access to pipeline competencies • Strong Regional play • Interested in gas operation
Dynegy	◕	◕	◕	◕	◕	• No current retail customer base • Limited domestic assets • Wants to expand its marketing operations
Peoples Gas	○	◔	◑	◔	◔	• Shows little desire for retail • Needs additional cash flow to fund expansions
Brooklyn Union	○	◔	◔	◔	◑	• No current retail customer base • Limited domestic assets • Wants to expand its marketing operations
Western Resources	◔	◔	○	○	◔	• Gains access to pipeline competencies • Strong Regional play • Interested in gas operation
Entergy	◑	◑	◑	◑	○	• Shows little desire for retail • Needs additional cash flow to fund expansions
El Paso Energy	◕	◕	●	◑	●	• No current retail customer base • Limited domestic assets • Wants to expand its marketing operations
Columbia Gas	◑	◔	○	◔	◕	• Gains access to pipeline competencies • Strong Regional play • Interested in gas operation

Rating: ● Attractive ○ Unattractive

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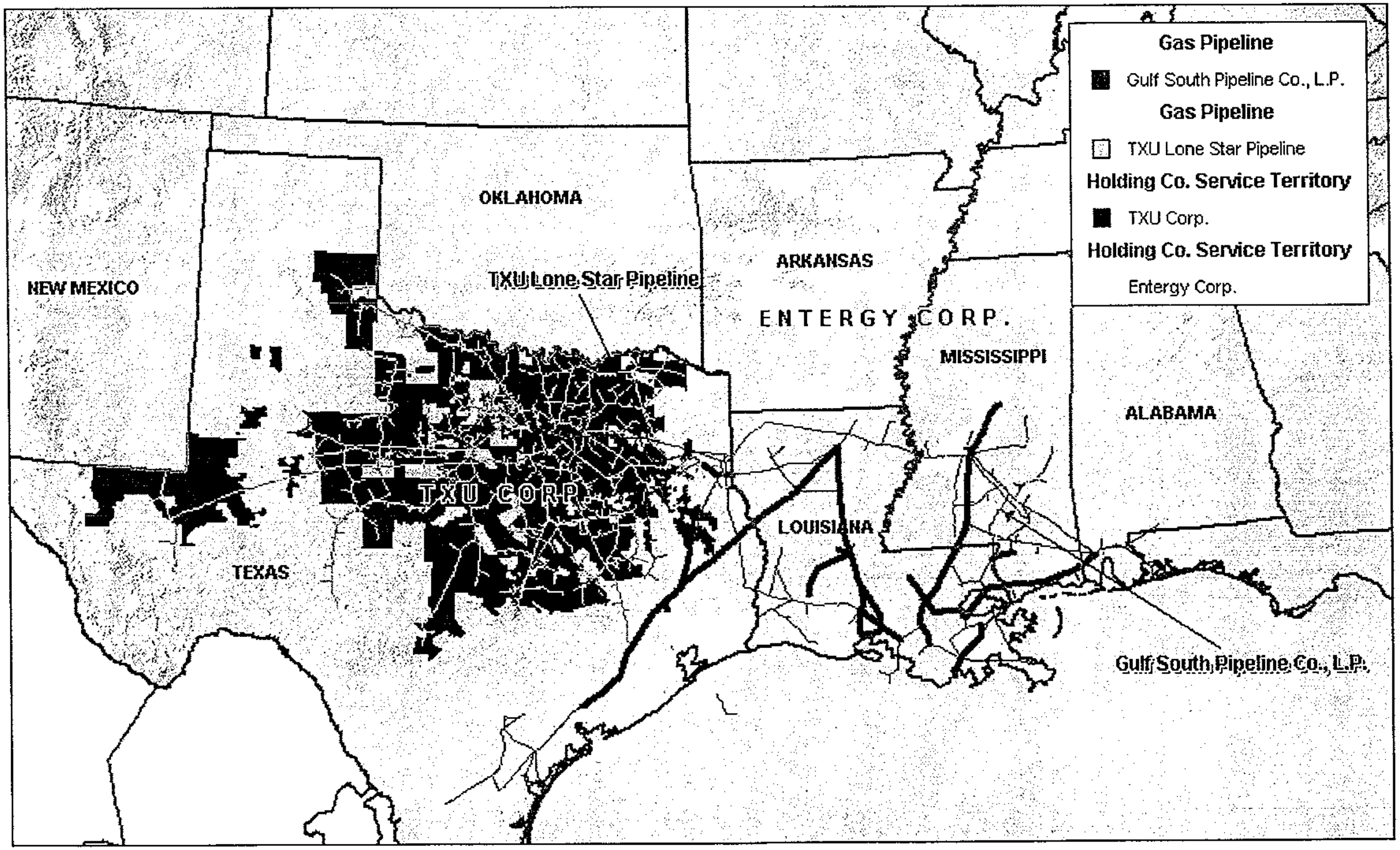
Acquisition Targeting -
Perform a Proximity Analysis - The Closer the Better for Merger Benefits



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Acquisition Targeting -
Generate a Description for Each Final Candidate

Enron

Market Evolution

Regulation Era
Early 1990's
- **Enron is a major gas pipeline company with revenues of $4.6 billion**
- **Vision to capitalize on deregulation of pipelines**
- **Entered into a Joint Venture with Bankers Trust in 1991 to gain trading knowledge**

Gas Era
Mid 1990's
- **Utilities unnerved by fluctuations in deregulated gas prices**
- **Enron markets financial instruments (options/hedges) to deregulated utilities to put them at ease**

Power & Gas Era
Late 1990's
- **Committed not to make same mistake twice, Enron moves quickly into deregulated power markets**
- **With large customer base, Enron able to cobble together deals and gain "first mover" advantage**

Deregulation Era
2000 & beyond
- **Enron is the largest trader of power and electricity with revenues (2000) of $40Billion**
- **75% of revenue derived from commodity trading**
- **Enron established as a premier market maker**
- **Announce sale of $2-4 Billion assets over next 12 mos.**

Key Data

Trading Strategy
Premier market maker in commodities business; Leverage intellectual capital, focusing on innovation; use physical assets to gain insights into markets than divest

Corporate Overview
- Transportation/Distribution
- Wholesale Services
- Retail Energy Services
- Broadband Services
- Other Enron Services

Market Cap: $39 Billion
Reach: *International*
Assets: $67 Billion
ROA (TTM): 1.9%
5 yr Revenue growth: 61%
P/E Ratio (TTM): 46

U.S. Trading Information
✓ Financial & Physical traders
✓ Market maker/speculative
✓ Strong gas pipeline network
✓ Move 15% of U.S. gas

✓ 13% Gas/Power Trading Share
✓ 13% Power and 12% Gas
✓ Market leader in ECAR & SWPP
✓ Top 5 trader in each NERC region
✓ Trade coal & crude oil

Future Strategies & Focus
✓ *Long-term energy management agreements* (JC Penney, Eli Lilly, Quaker Oats)
✓ *Sale of assets* (e.g. sale of California power development rights to Calpine; sale of three gas-fired merchant generating facilities in the Midwest to Allegheny Energy)
✓ *Broadband Services expansion* (e.g. numerous strategic alliances to market & deliver broadband)
✓ *Enron Online*

Sources: Business.com, Trade Journals, Internal Research

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Agenda

- Objective
- Alignment with Strategy
- Competitive Environment Analysis
- Target Analysis
- **Benefits Calculation**
- Next Steps

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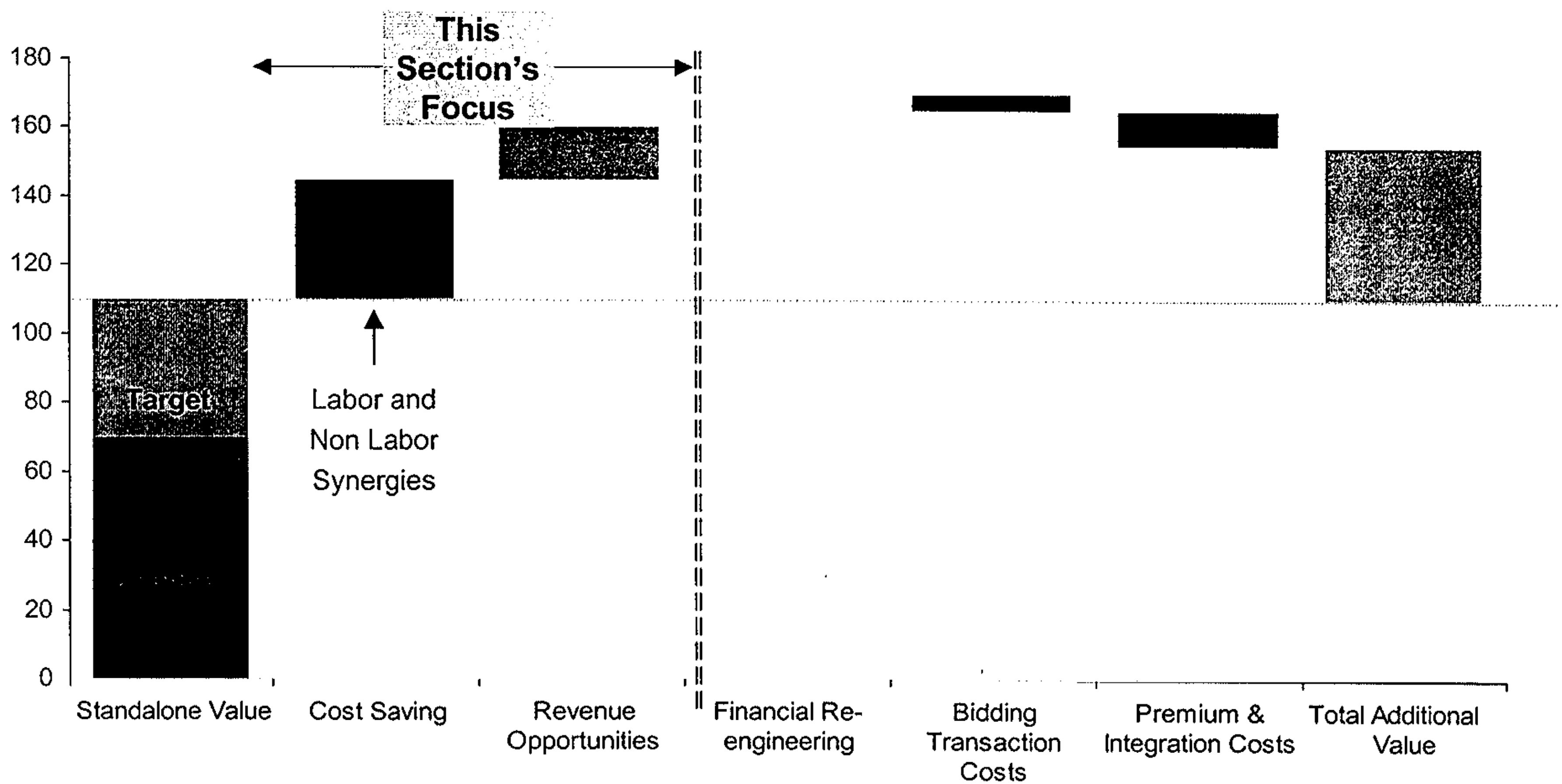
Calculating Benefits - These are the Typical Categories of Synergies

The primary purpose of the synergy study is to provide an indicator of the potential value that may be created between various merger combinations



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Calculating Benefits - Identify Areas for Labor Savings

Labor Area

Function		
CORPORATE AND ADMINISTRATION LABOR		
Executive Management & Staff		
Legal		
External Relations		
Finance, Accounting, & Planning		
Human Resources		
Information Systems		
Administration & Support		
Purchasing and Materials Management		
Retail Marketing & Sales		
FIELD LABOR		
Customer Service		
Gas System Ops and Transmission		
Gas Distribution		
Gas Supply & Capacity Management		
Electric Transmission		
Electric Distribution		
Coal Power Supply		
Oil/Gas Supply		
Nuclear Power		
Electric System Technical Support		
Hydro Power Supply		
TOTAL FIELD		

Synergy Rationale

- Regardless of whether the merger is geographical overlapping or adjacent, management and administration can be reduced. This is often the first and easiest area to look for synergy savings due to the fact that these tend to be high cost employees and their exists natural economies of scale.

- Field labor reductions are often directly dependant on the geographical proximity of the merger. To the extent that there is geographical closeness higher reductions are possible as crews can be deployed more efficiently. To the extent that the acquisition is not close, then reductions are still possible through the cross fertilization of best practices and internal benchmarking.

Calculating Benefits - Some Examples of Labor Savings

Merger Company 1 :	New Centuries Energy	Boston Edison	Western Resources
Merger Company 2 :	Northern States Power	Commonwealth Energy	Kansas City Power and Light
New Company Name :	**XCEL Energy**	**NSTAR**	**Western Resources**
Year of Merger	2000	1999	Merger Discontinued in 2000
Labor Category			
Corporate Employees Reduced	617	296	330
Field Employees Reduced	167	66	259
Total Employee Reductions	784	362	589
Pre-Reduction Employees		4604	7417
Percent of Total Reduced		7.86%	7.94%
Proximity:	Adjacent Service Territories	Both in Massachusetts	Adjacent Service Territories
Combined Asset Value:	$15.1 Billion	$4.7 Billion	$2.8 Billion
Year Merger Proposed:	1997	1997	1998
FERC Approval:	2000	1998	n/a
Individual State Approval:	2000	1999	n/a
Ten Year Labor Savings	$616 Million	$351 Million	$472 Million

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Calculating Benefits - Identify Areas for Non-Labor Savings

Non- Labor Area

Corporate & Administrative Programs:
- Administrative & General Overhead
- Advertising
- Benefits
- Insurance
- Information Services (O&M)
- Information Services (Capital)
- Professional Services
- Facilities
- Shareholder Services
- Directors' Fees
- Association Dues
- Regulatory Expenses
- Research & Development
- Telecommunications
- Credit Facilities
- Total

Purchasing Economies:
- Procurement
- Inventory
- Contract Services
- Total

Fuel Supply:
- Coal Supply
- Gas Supply

Synergy Rationale

- Some non-labor savings will track labor reductions such as: Benefits, Facilities, and General Overhead.
- In areas total elimination is possible when the items are non-additive such as: association dues, director's fees and shareholder services.
- Purchasing leverage increases proportionally with total spend.
- Fuel, storage, and transportation contracts benefit from the portfolio effect.

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Calculating Benefits - Some Examples of Non-Labor Savings

Merger Company 1 : Merger Company 2 : New Company Name :	NCE NSP **XCEL Energy**	W. Resources KCPL **Western Resources**	BCE Commonweath **NSTAR**	NSTAR Merger **Rationale for Savings**
	———Percent Reduction———			
Corporate & Administrative Programs:				
Administrative & General Overhead	2%	6%	5%	- Fewer Employees
Advertising & Public Releations	6%	11%	25%	- 25% of smaller company's fees
Benefits Administration	12%	25%	25%	- Economies of Scale
Benefits	1%	1%	4%	- Reflects consolidation of providers
Insurance	n/a	20%	23%	- 10% of combined company's property insurance - 25% of combined company's excess liability insurance - 100% of smaller company's fiduciary and crime costs. - 100% of smaller company's excess and bond workers compensation
Information Services (O&M)	n/a	n/a	12%	- Fewer employees - Eliminating a redundant data centers
Information Services (Capital)	n/a	n/a	n/a	
Professional Services	n/a	10%	17%	- 30% in audit fee for smaller company - 75% in management consultanting for smaller - 20% of combined legal services
Facilities	n/a	n/a	n/a	
Shareholder Services	8%	18%	14%	- 100% of annual report and proxy costs for smaller - 75% of annual meeting and NYSE costs for smaller - 25% of all other costs for smaller

Calculating Benefits -
Some Examples of Non-Labor Savings (cont.)

Merger Company 1 :	NCE	W. Resources	BCE	
Merger Company 2 :	NSP	KCPL	Commonwealth	NSTAR Merger
New Company Name :	**XCEL Energy**	**Western Resources**	**NSTAR**	**Rationale for Savings**
		Percent Reduction		
Directors' Fees	40%	28%	n/a	
Association Dues	7%	16%	22%	- EEI and AGA dues based on a formula of customers per company
Regulatory Expenses		1%	n/a	- Regulatory dues based on government formula
Research & Development	6%	14%	n/a	- Research contributions to industry consortium based on a formula
Vehicles	15%	n/a	23%	- Fewer employees
Lines of Credit	n/a	n/a	33%	- Combination of lines of credit minimizes base fixed costs
Purchasing Economies:				
Procurement	5%	8%	7%	- Vendor consolidation and increased purchasing power
Inventory	2%	3%	10%	- Combination of inventories reduces number of spare parts
Contract Services	1%	3%	n/a	

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Calculating Benefits - Identify Potential Revenue Synergies

Revenue Area	Synergy Rationale
Patents or Proprietary Technology	■ New customer base provides new distribution channel
Effective Sales force	■ Sales techniques and deal structuring expertise can be disseminated to increase effectiveness of acquired sales force
New Product Development	■ Research and development efforts can be combined to new products and services at a faster pace
Brand Awareness	■ Public perception increases as a firm's economic clout grows

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Calculating Benefits - Summarize the Results

The U.S. convention is to calculate net savings out for 10 years. This is the number that is typically reported to the media as the benefits of the merger. The non-discounted number avoides cost of capital problems and provides a larger a number for public relations purposes.

Revenue Synergies are generally considered "softer" estimates and therefore not used to justify the merger.

Total Savings Summary

Areas ($ in 000s)	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Total	% of Total
Labor	$12,477	$33,003	$39,513	$42,219	$44,955	$47,729	$50,543	$53,401	$56,305	$59,258	$32,871	$472,275	46.3%
Corporate & Administrative Programs:	12,982	29,318	36,605	44,356	48,760	49,872	50,067	48,595	46,788	43,647	20,956	$431,944	42.3%
Purchasing Economies	4,077	10,242	12,770	15,255	17,700	20,112	22,494	24,848	27,175	29,473	15,709	$199,856	19.6%
Fuel Supply	$492	$3,469	$6,158	$6,274	$6,636	$7,634	$7,958	$8,056	$8,348	$8,279	$4,139	$67,443	6.6%
Total Savings	$30,029	$76,032	$95,046	$108,103	$118,051	$125,346	$131,062	$134,900	$138,616	$140,657	$73,676	$1,171,518	100.0%
Costs to Achieve	47,337	14,954	10,399	4,698	3,562	3,581	3,601	3,623	3,645	3,669	1,847	$100,916	8.6%
Pre-Merger Initiatives	$693	$1,752	$2,499	$3,275	$4,041	$4,836	$5,660	$6,515	$7,401	$8,274	$4,589	$49,535	4.2%
Net Savings	($18,001)	$59,325	$82,148	$100,130	$110,448	$116,929	$121,801	$124,762	$127,570	$128,714	$67,240	$1,021,067	87.2%

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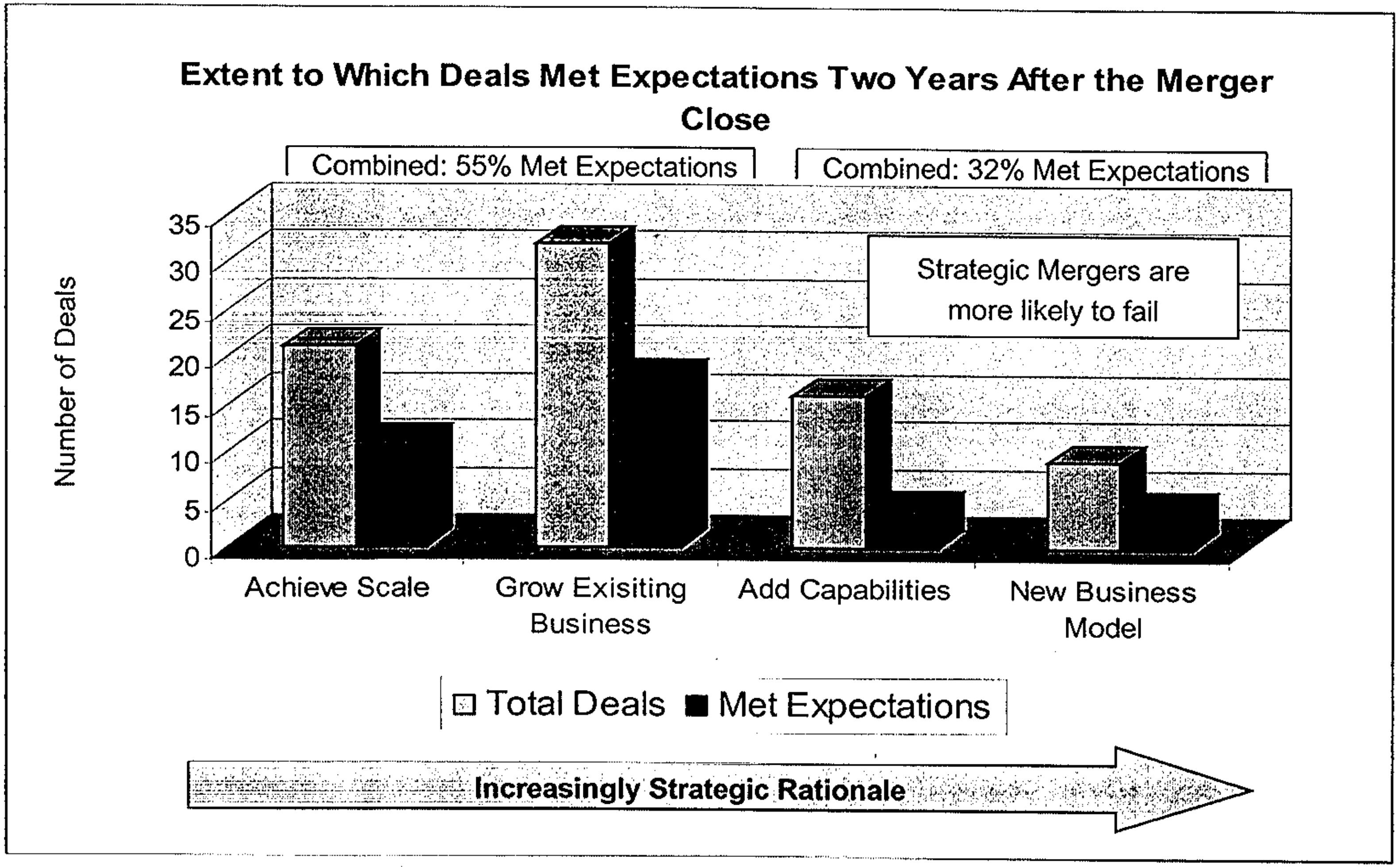
Calculating Benefits -
Learn from Past Mergers - Some Considerations

53% of Mergers and Acquisitions fail to deliver their expected results*



*2001 Booze Hamilton Study

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Agenda

- Objective
- Alignment with Strategy
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- Next Steps

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Next Steps -
Key Steps to Completing the Transaction

Negotiate Price / Arrange Financing -

Intense involvement of investment bankers for valuation and arranging debt or equity financing. Premiums typically range from 20%-40% of pre-merger valuation.

Negotiate New Leadership Structure -

Not typically a difficult issue for acquisitions as buying company pays a higher premium for the sole right to determine the new leadership structure. For mergers of equals, this can often be the source of killing a deal. In cases of foreign ownership, cultural biases can make this even more problematic.

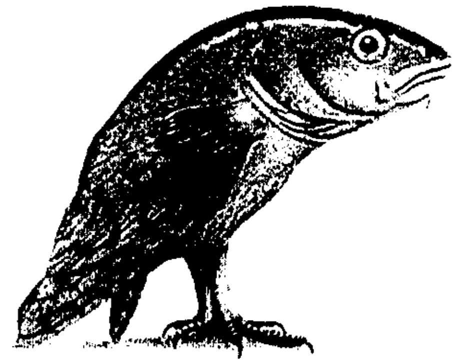
Regulatory Approval -

Regulators often use this stage to extract additional concessions from the combined company. In cases where there is unacceptable market power issues, required divestitures can impact planned synergies.

Integration -

The most difficult part of a successful merger. Cultural differences, political power struggles, and low morale after lay-offs often interfere achieving the planned benefits.

Evaluarea fuzionarilor si achizitiilor in domeniul gazelor naturale



Prezentat de: ***David A. Foti, Senior Manager***
Accenture Energy Practice

Poiana Brasov, Romania
September 27-28, 2001

Agenda

- **Obiective**
- Alinierea la strategii
- Analiza mediului concurential
- Tinte pentru achizitii
- Calcularea beneficiilor
- Etapele urmatoare

/0/

Obiective

Datorita faptului ca industria gazului in Romania se deplaseaza catre un sector privat al investitiilor si Ministerul Industriei si Resurselor joaca un rol in luarea deciziilor operationale de afaceri:

- *Cum pot companiile romanesti de gaze naturale sa identifice si sa evalueze posibilele fuzionari si achizitii?*
- *Care sun beneficiile sperate de la aceste noi structuri de afaceri?*
- *La ce se poate astepta o companie romaneasca de gaze naturale daca este tinta unei fuziuni sau achizitii?*

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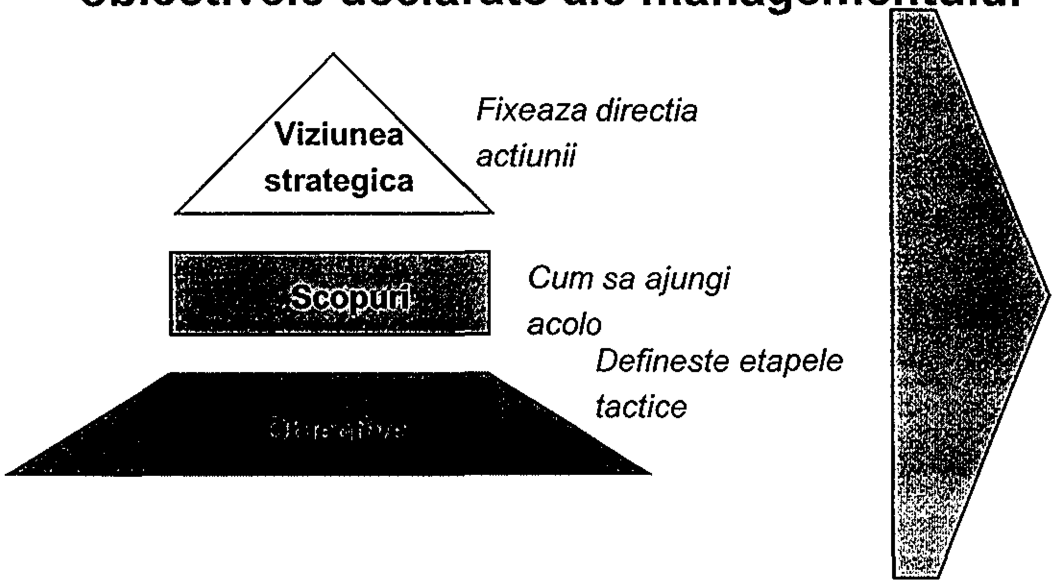
Agenda

- Obiective
- **Alinierea la strategii**
- Analiza mediului concurential
- Tinte pentru achizitii
- Calcularea beneficiilor
- Etapele urmatoare

Imbinarea dintre fuzionarea si achizitia unei companii de gaze naturale cu strategiile existente

Fuzionarile si achizitiile trebuie sa urmareasca strategiile, scopurile si obiectivele declarate ale managementului



Cativa factori tipici de urmarit:

- Sprijinrea competentei
- Castigarea de actiuni pe piata
- Castigarea de noi tehnologii
- Eliminarea unui concurent
- Organizarea personalului
- Patrunderea pe noi piete
- Extinderea geografica
- Castigarea de aptitudini
- Puterea de cumparare

Exemple de tranzactii

Compania/strategia:

Enron (Gas and Power Co.) - Sprijinirea comertului si riscului de management pentru a crea noi piete

Entergy (Gas and Power Co.) - Cresterea prin comert, dezvoltarea activelor si operatii nucleare

Compania achizitionata/factorul urmarit

MG's Metal Company (2000) - Intrarea pe o noua piata

Yankee Nuclear Plant (2001) - Folosirea celor mai bune experiente in operatiunilenucleare pentru cresterea valorii activelor prin cicluri mai scurte de alimentare

Agenda

- Obiective
- Alinierea la strategii
- **Analiza mediului concurential**
- Tinte pentru achizitii
- Calcularea beneficiilor
- Etapele urmatoare

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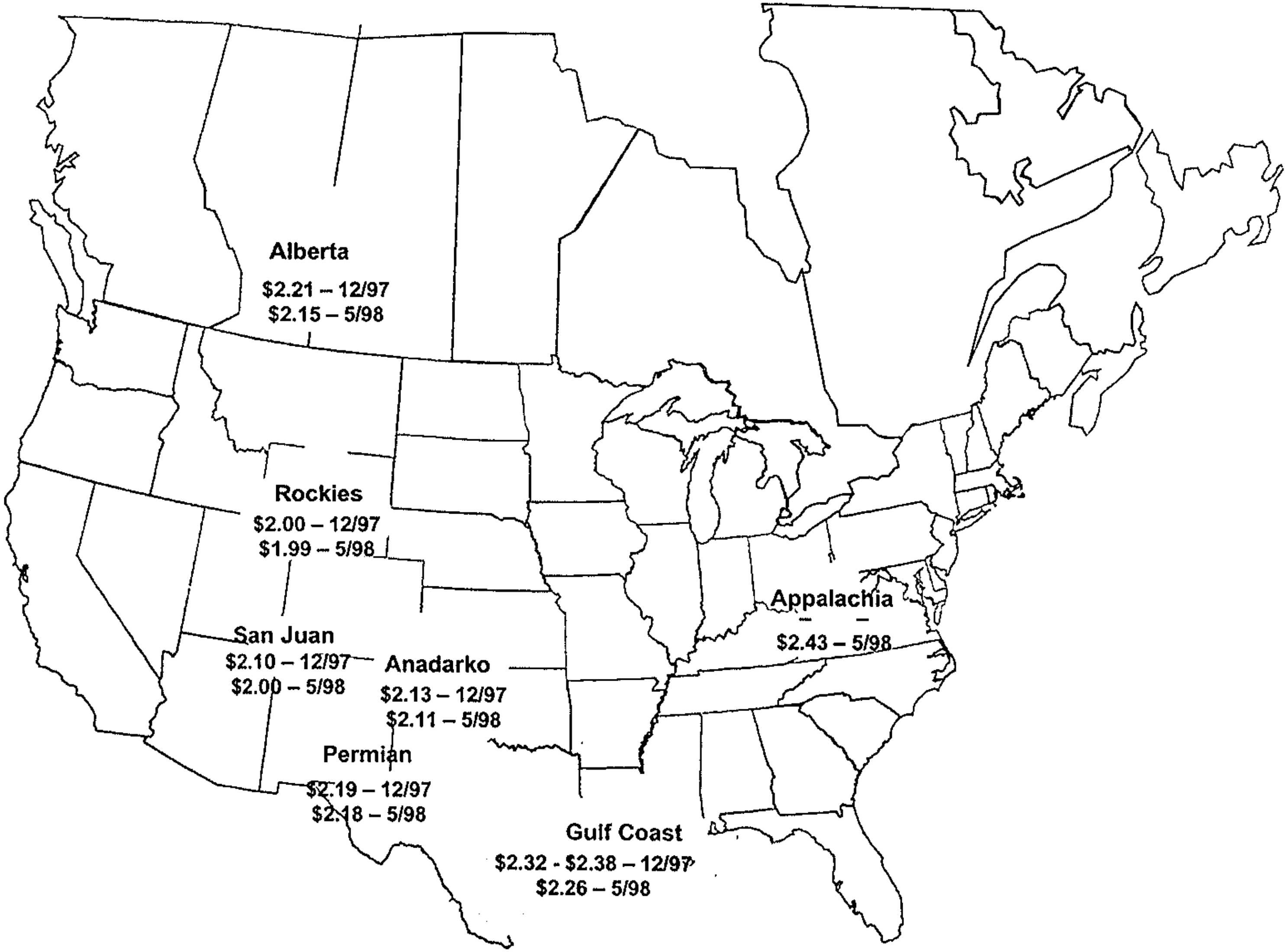
Analiza mediului concurential
Alimentarea locala este reorganizata



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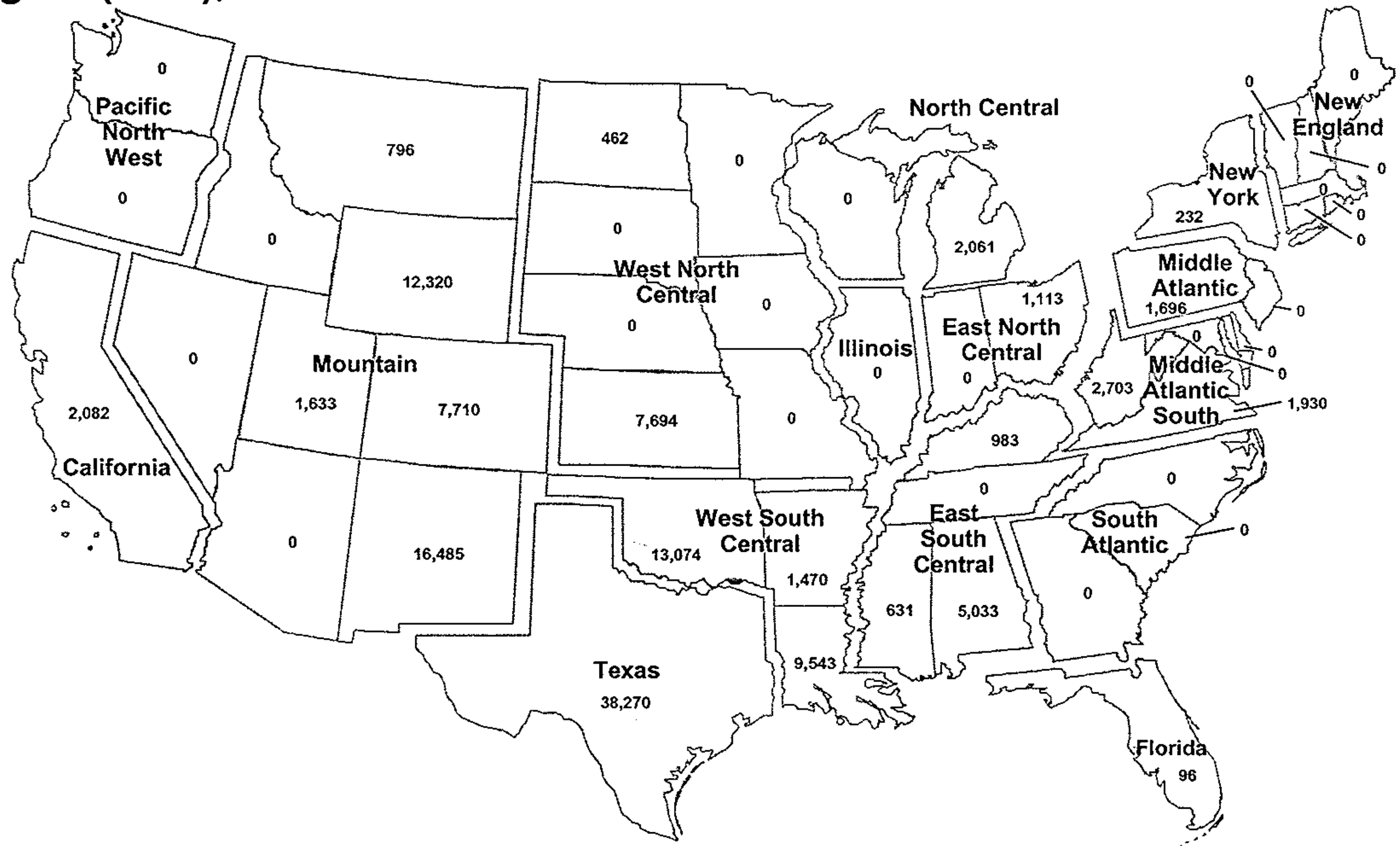
Analiza mediului concurential-
Harta rezervelor

By Region (BCF), 1996



Source: Energy Information Administration, U.S. Natural Gas Reserves 1996 Annual Report, November 1997

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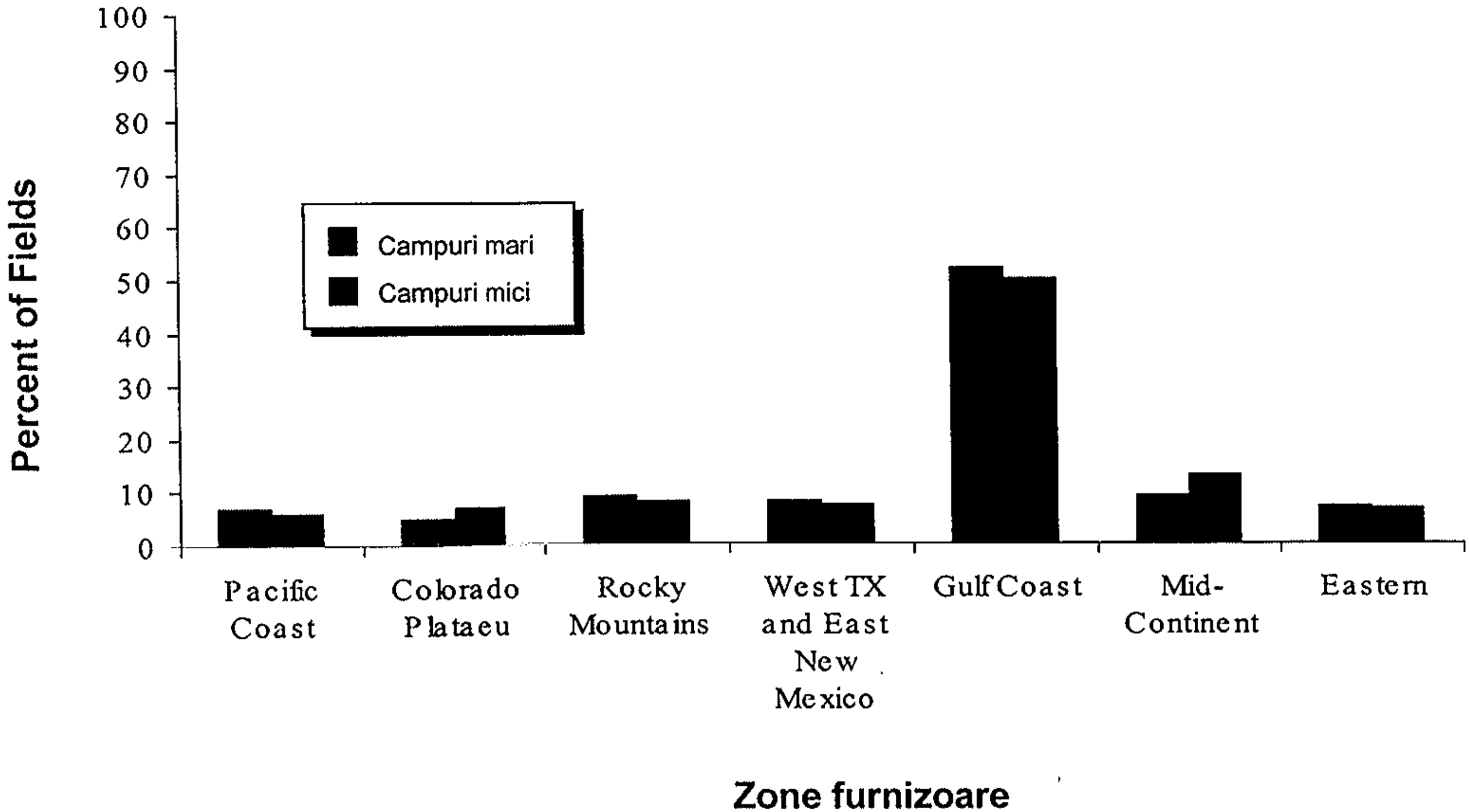
Analiza mediului concurential
Surse nedescoperite estimate



Source: Department of Energy, Energy Information Administration, 1996

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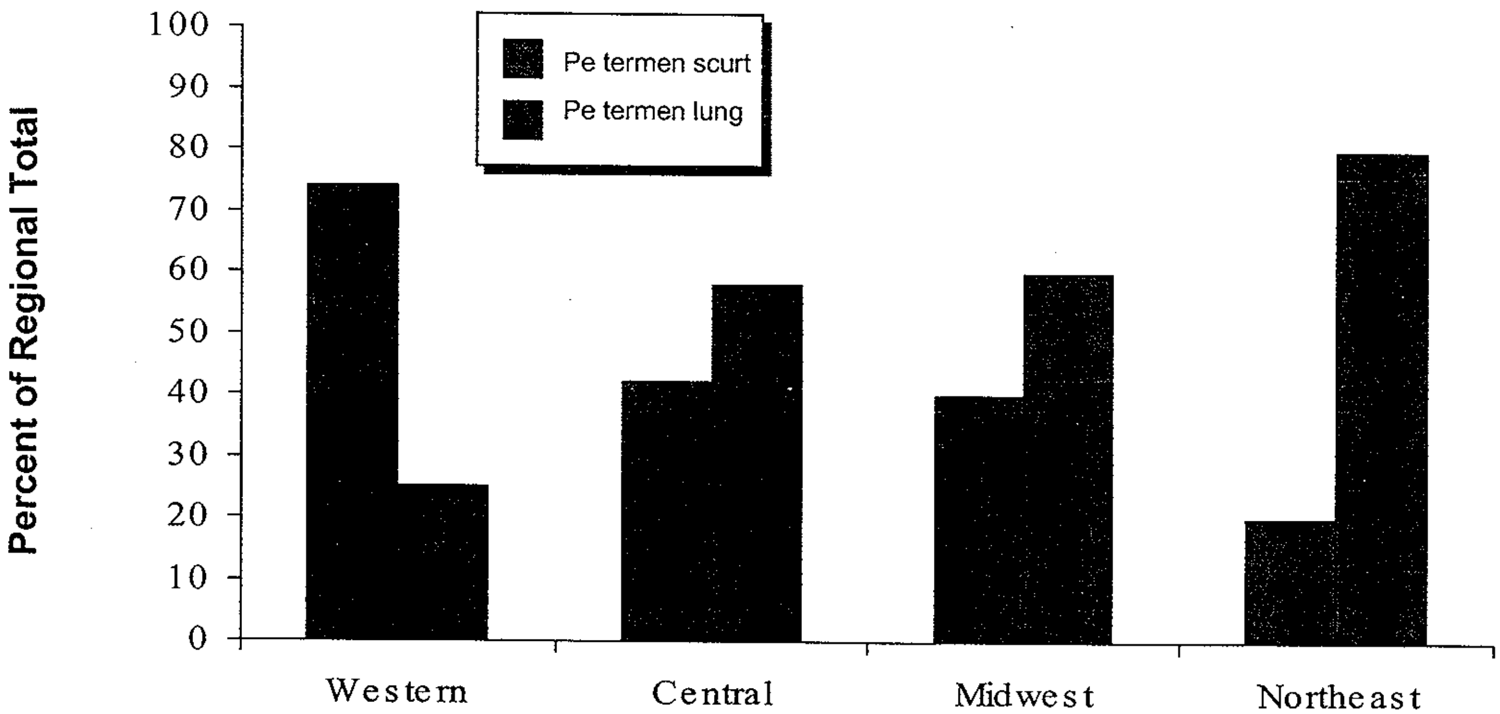
Analiza mediului concurential-
Calcularea importului

Importuri de gaz din Canada
(miliarde picioare cubice - BCF)



Source: Department of Energy, Energy Information Administration

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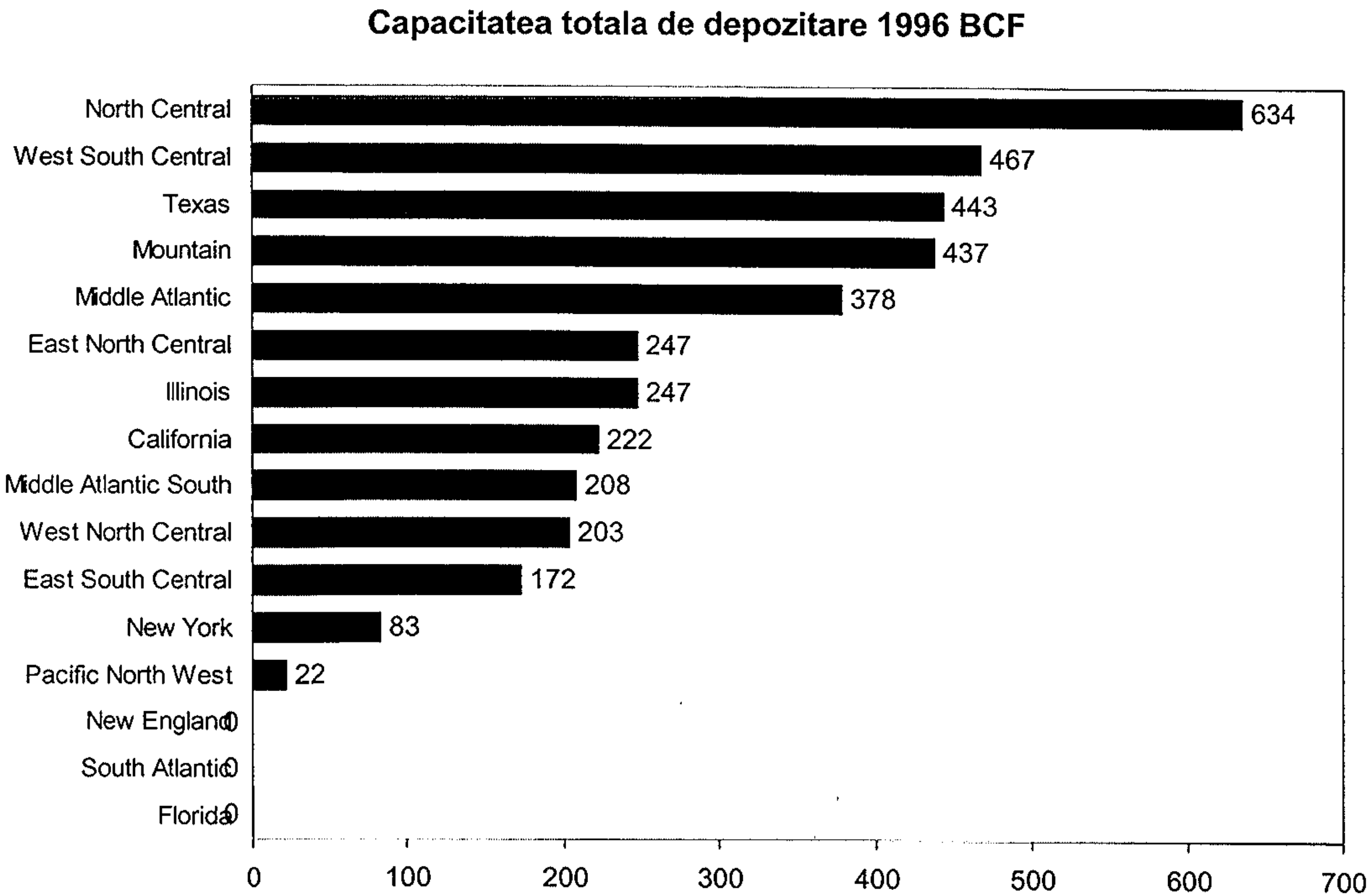
Analiza mediului concurential-
Prezentarea capacitatii de depozitare



Source: RDI GasDat Database

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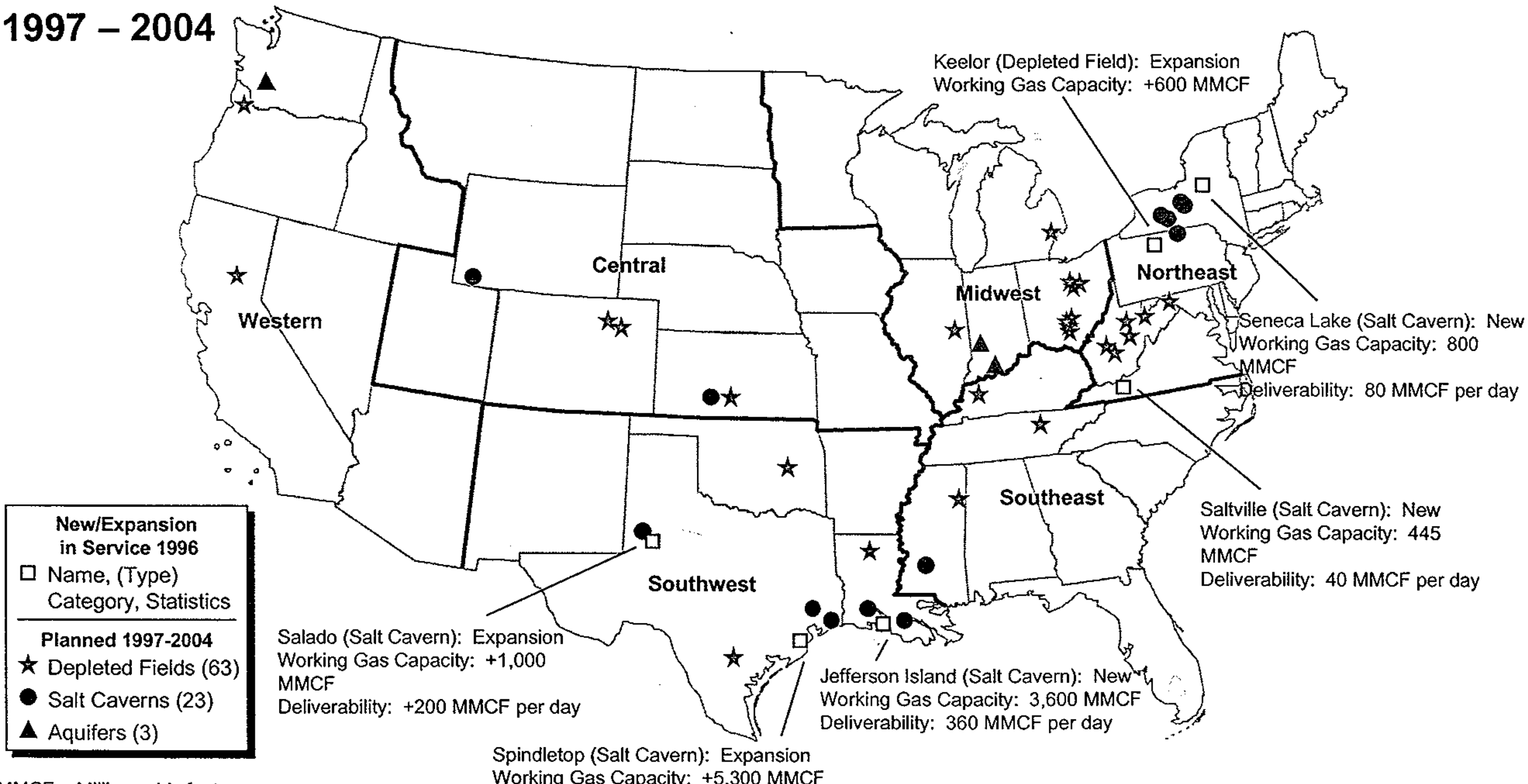
Analiza mediului concurential
Amplasarea celor mai importante zone de depozitare existente si de viitor



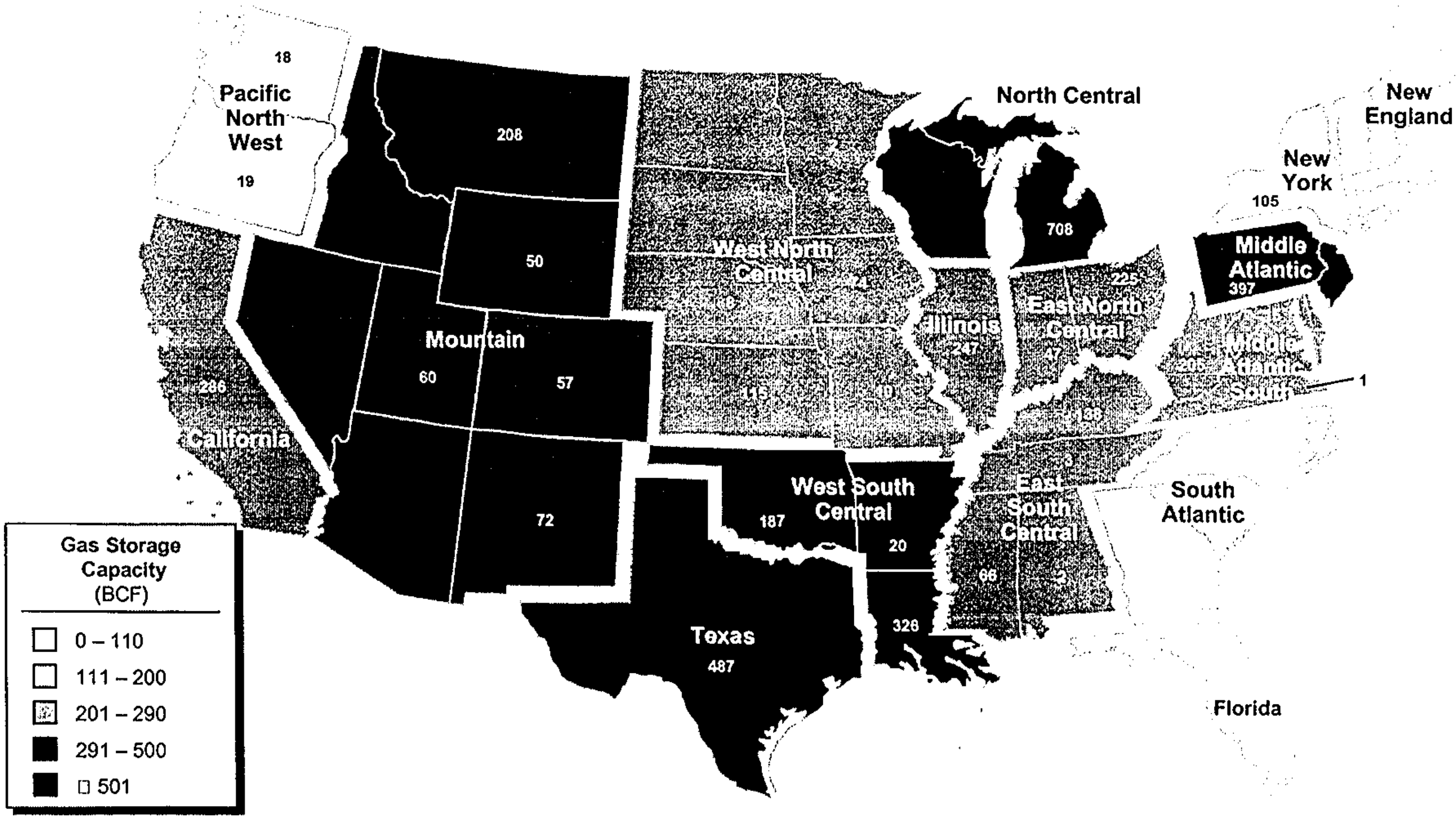
MMCF = Million cubic feet

Notes: Includes expansions to existing facilities, proposed new facilities and proposed expansions to new facilities. Does not include projects with unknown on-line dates. In many cases, planned facilities and/or expansions are at the same location or in very close proximity, in which case facility symbols will overlay one another on the map.

Source: Energy Information Administration (EIA), EIAGIS-NG Geographic Information System, Proposed Underground Natural Gas Storage Database, as of September 1, 1997

Analiza mediului concurential
Capacitatea de inmagazinare planificata

As of 2004 (BCF)



Source: Department of Energy, Existing and Proposed U.S. Underground Storage of Natural Gas in 1997

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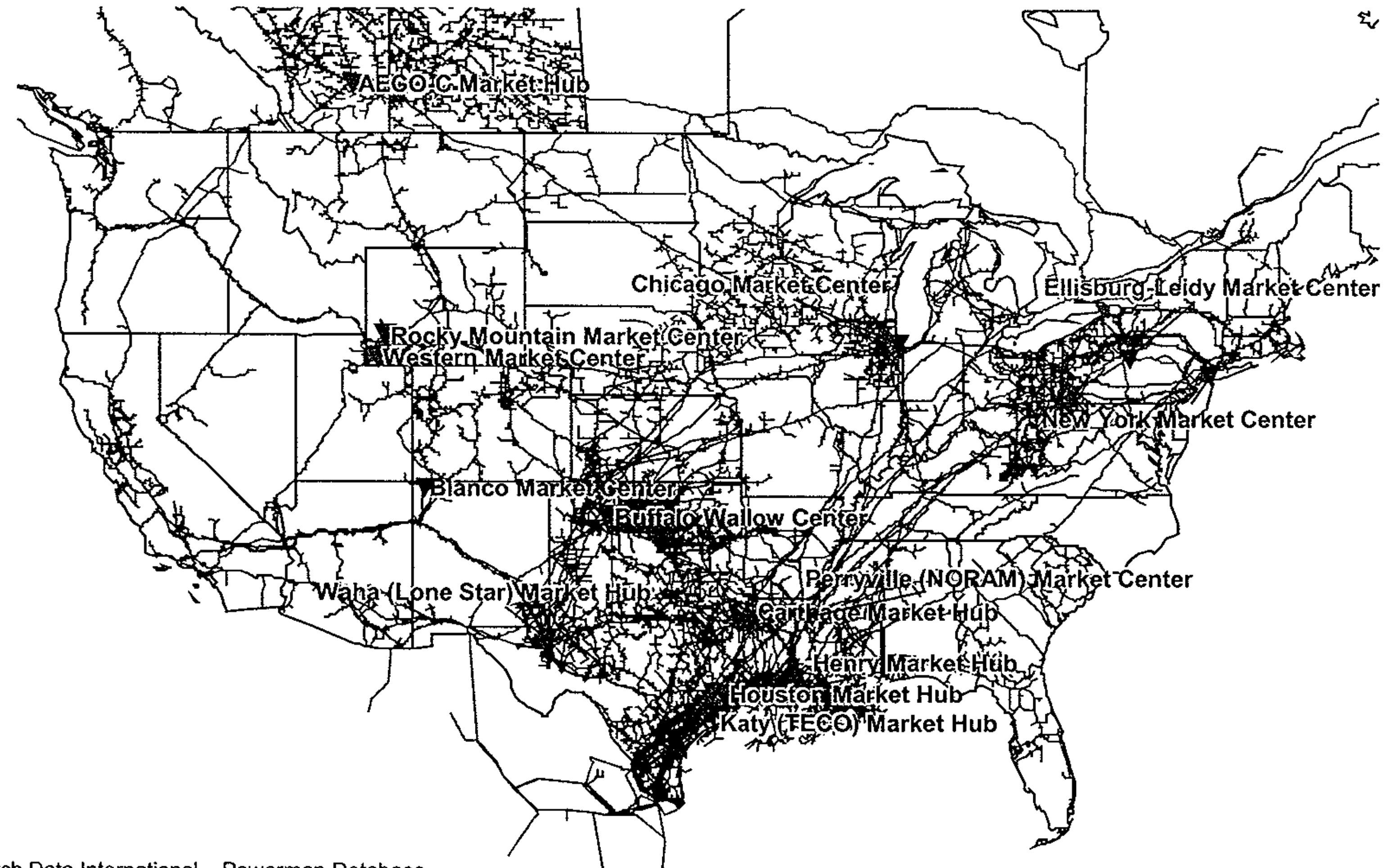
Analiza mediului concurential
Harta capacitatilor conductelor

North American Gas Pipelines and Major Market Hubs



Source: Research Data International – Powermap Database

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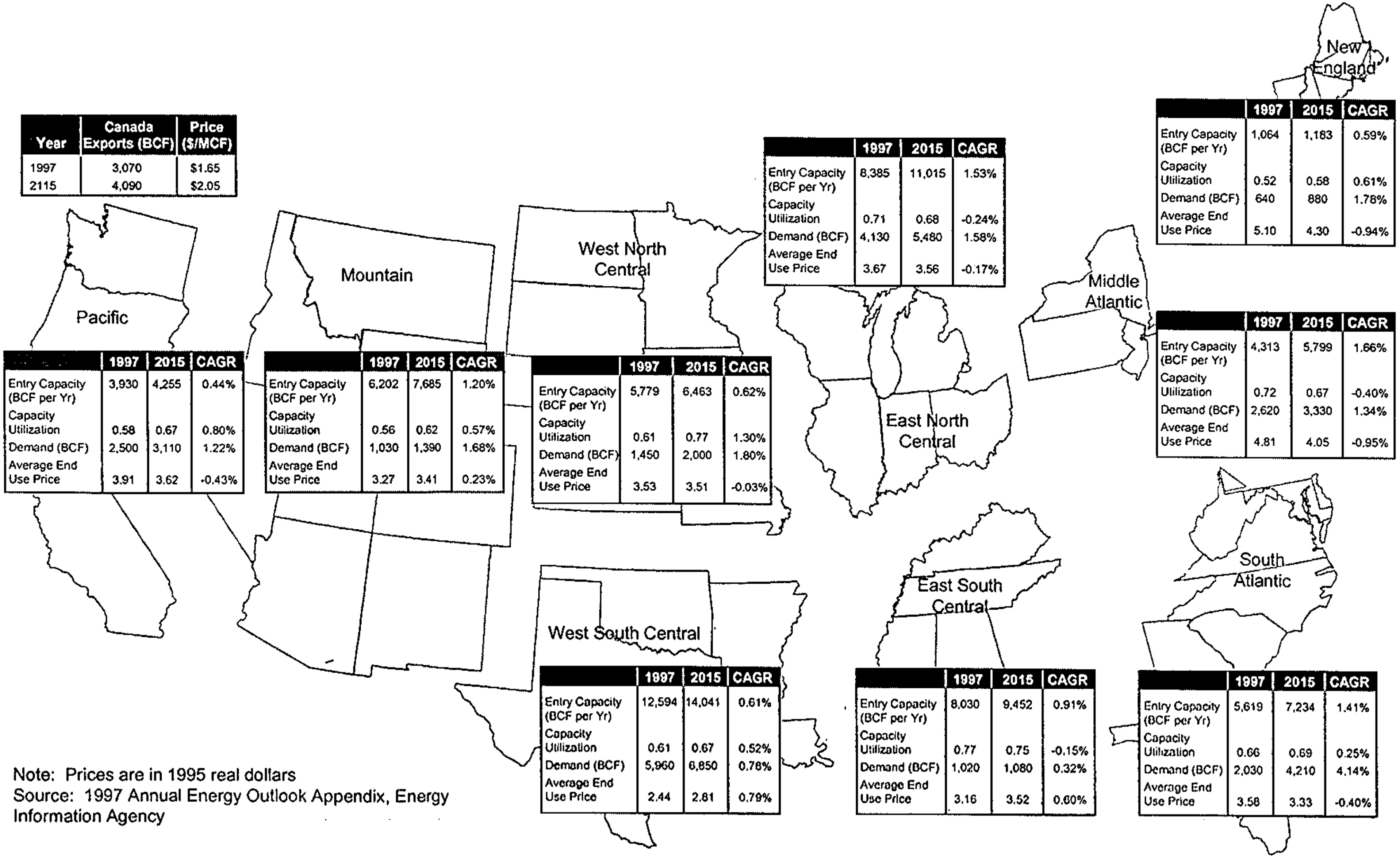
Analiza mediului concurential
Descrierea capacitatilor, cererii si preturilor prognozate



Year	Canada Exports (BCF)	Price ($/MCF)
1997	3,070	$1.65
2115	4,090	$2.05

	1997	2015	CAGR
Entry Capacity (BCF per Yr)	1,064	1,163	0.59%
Capacity Utilization	0.52	0.58	0.61%
Demand (BCF)	640	880	1.78%
Average End Use Price	5.10	4.30	-0.94%

	1997	2015	CAGR
Entry Capacity (BCF per Yr)	8,385	11,015	1.53%
Capacity Utilization	0.71	0.68	-0.24%
Demand (BCF)	4,130	5,480	1.58%
Average End Use Price	3.67	3.56	-0.17%

	1997	2015	CAGR
Entry Capacity (BCF per Yr)	4,313	5,799	1.66%
Capacity Utilization	0.72	0.67	-0.40%
Demand (BCF)	2,620	3,330	1.34%
Average End Use Price	4.81	4.05	-0.95%

	1997	2015	CAGR
Entry Capacity (BCF per Yr)	3,930	4,255	0.44%
Capacity Utilization	0.58	0.67	0.80%
Demand (BCF)	2,500	3,110	1.22%
Average End Use Price	3.91	3.62	-0.43%

	1997	2015	CAGR
Entry Capacity (BCF per Yr)	6,202	7,685	1.20%
Capacity Utilization	0.56	0.62	0.57%
Demand (BCF)	1,030	1,390	1.68%
Average End Use Price	3.27	3.41	0.23%

	1997	2015	CAGR
Entry Capacity (BCF per Yr)	5,779	6,463	0.62%
Capacity Utilization	0.61	0.77	1.30%
Demand (BCF)	1,450	2,000	1.80%
Average End Use Price	3.53	3.51	-0.03%

	1997	2015	CAGR
Entry Capacity (BCF per Yr)	12,594	14,041	0.61%
Capacity Utilization	0.61	0.67	0.52%
Demand (BCF)	5,960	6,850	0.78%
Average End Use Price	2.44	2.81	0.79%

	1997	2015	CAGR
Entry Capacity (BCF per Yr)	8,030	9,452	0.91%
Capacity Utilization	0.77	0.75	-0.15%
Demand (BCF)	1,020	1,080	0.32%
Average End Use Price	3.16	3.52	0.60%

	1997	2015	CAGR
Entry Capacity (BCF per Yr)	5,619	7,234	1.41%
Capacity Utilization	0.66	0.69	0.25%
Demand (BCF)	2,030	4,210	4.14%
Average End Use Price	3.58	3.33	-0.40%

Note: Prices are in 1995 real dollars
Source: 1997 Annual Energy Outlook Appendix, Energy Information Agency

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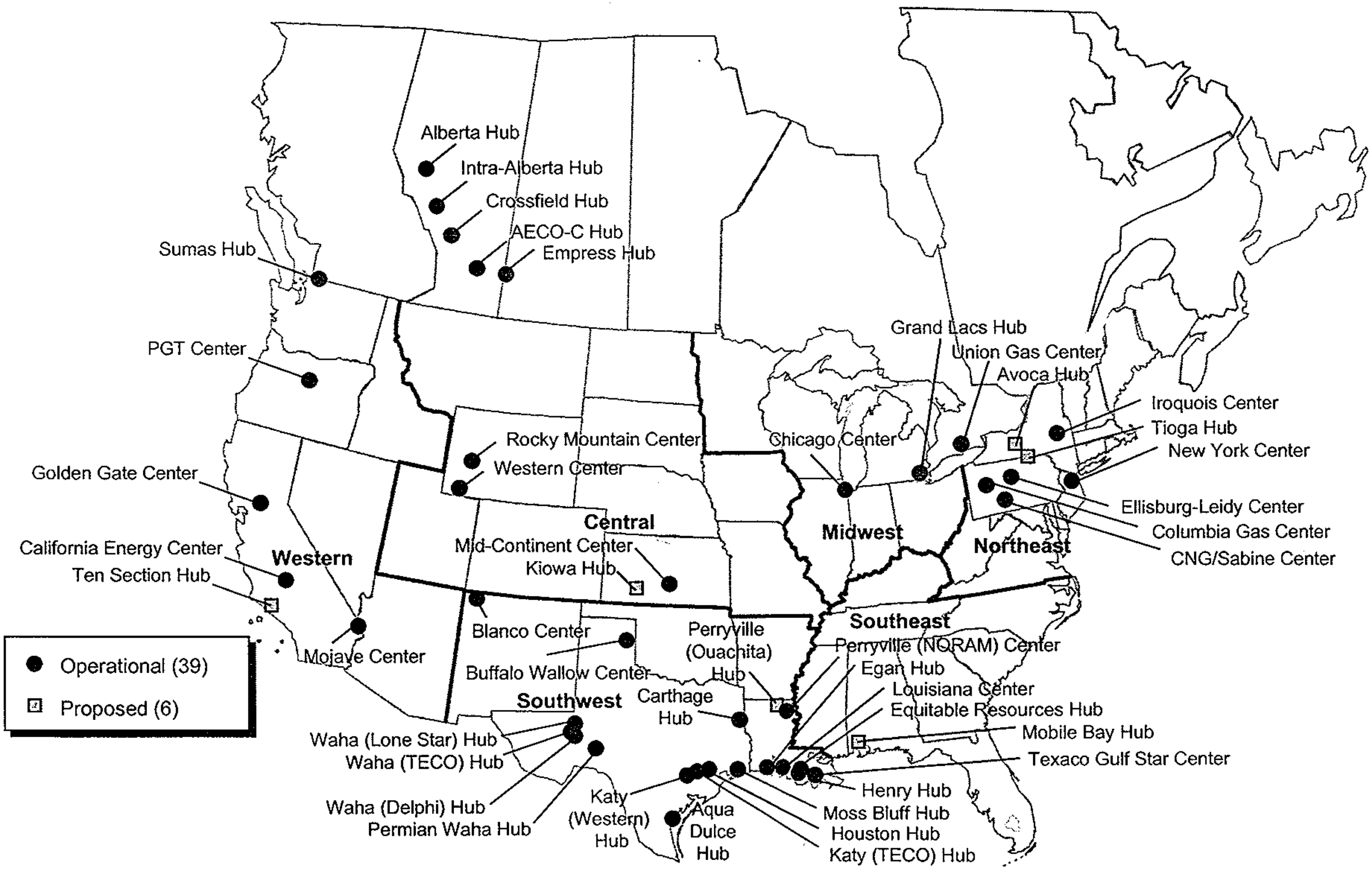
Analiza mediului concurential
Prezentarea pietelor gazelor naturale



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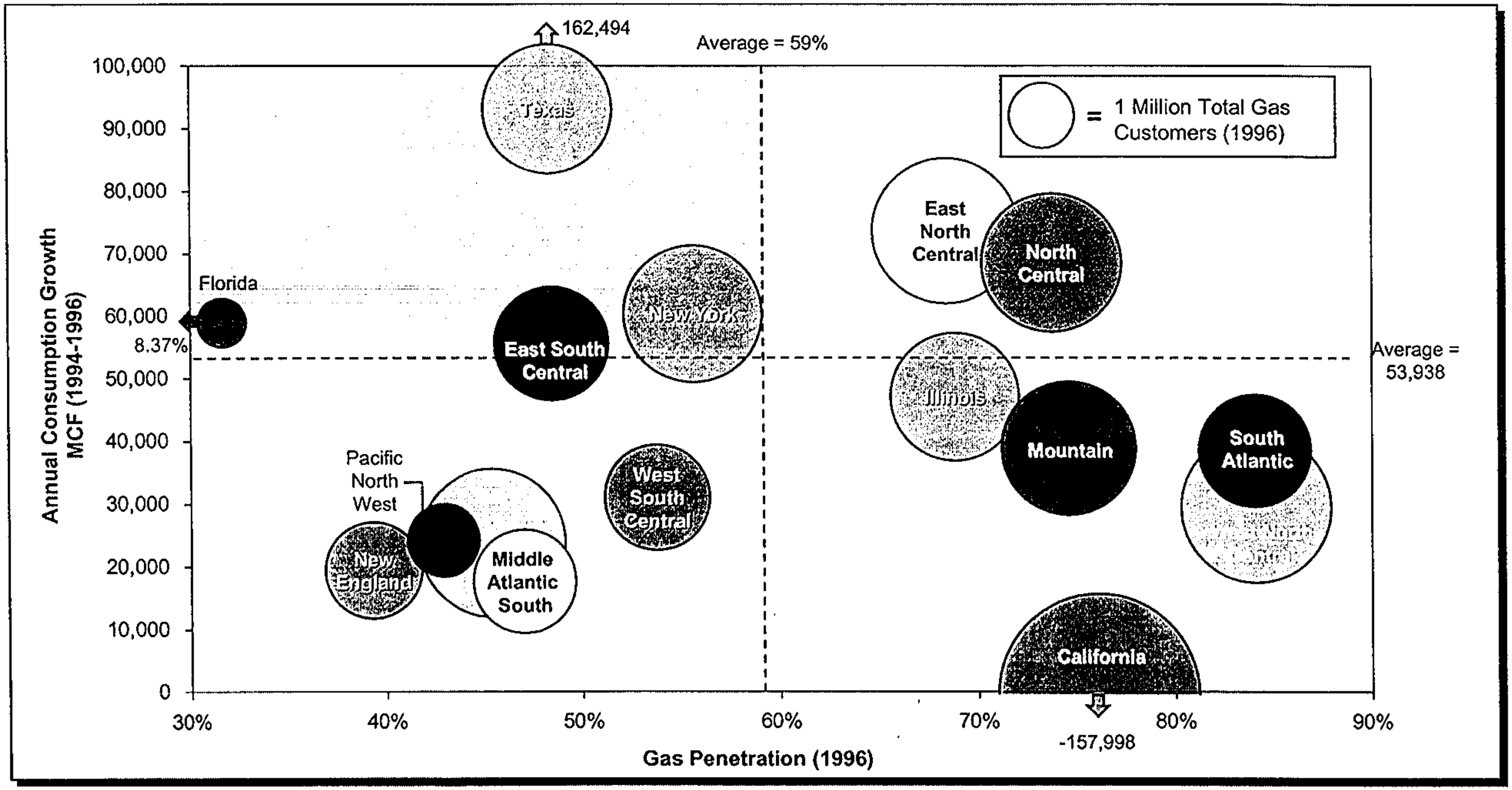
Source: Energy Information Administration, EIAGIS-NG Geographic Information System, Natural Gas Market Center/Hub Database, as of September 1996

Analiza mediului concurential
Determinarea potentialului pietelor viitoare: cresterea si patrunderea

Gas Build out Opportunity - Size, Growth and Market Potential



Source: Department of Energy, Energy Information Administration, Natural Gas Annual, 1996; American Gas Association, Residential Natural Gas Market Survey, 1996

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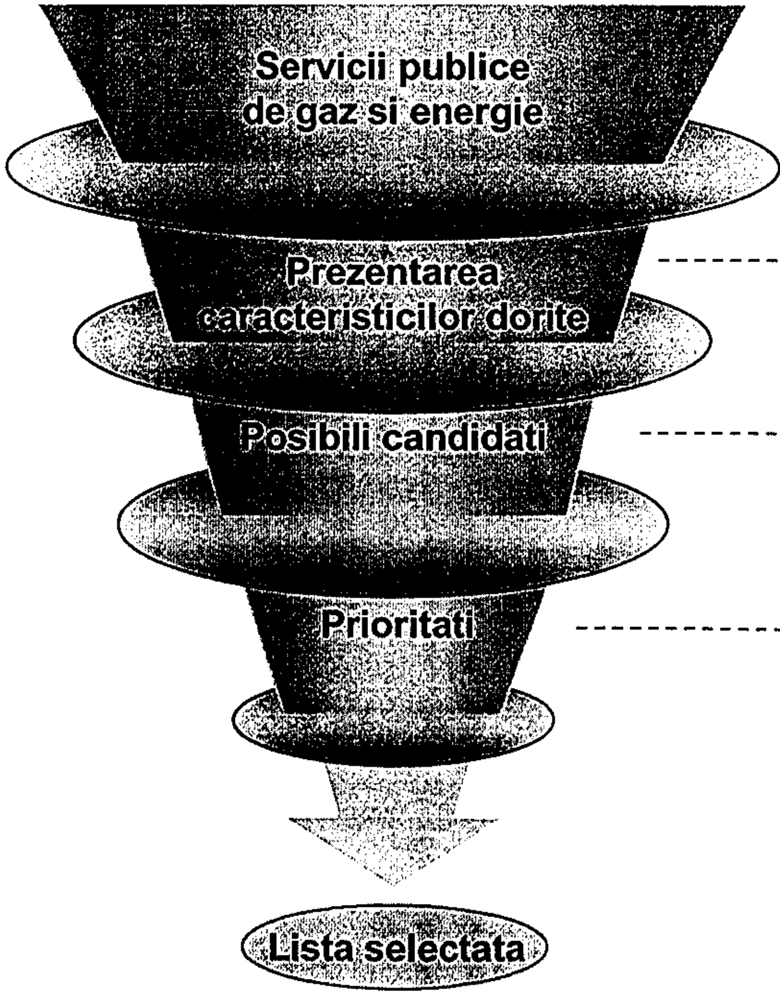
Agenda

- Obiective
- Alinierea la strategii
- Analiza mediului concurential
- **Tinte pentru achizitii**
- Calcularea beneficiilor
- Etapele urmatoare

Tinte pentru achizitii
Determinarea criteriilor de selectie



Criterii

- Scala (Marimea operatiilor)
- Scop (Operatii din afara domeniului gazier)
- Structura la costuri scazute
- Capacitate disponibila in zone de mare crester
- Acoperire geografica
- Acces la piete/conducte
- Apropierea de operatiile existente

- Perspectiva
- Reglementarea
- Capacitatea de a face

- Evaluarea
- Management
- Cultura

Alte obiective

• Indemanare • Mentinere
• Technologie • Marca

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Tinte pentru achizitii
Tabel de alternative

Prezentarea candidatilor

Demonstrativ

Candidates	Scale	Scope	Efficiency	Growth	Location	Proximity	Overall
Enron	●	◕	◕	●	●	◔	●
Dynegy	◕	◕	◕	◕	◕	◑	◕
Peoples Gas	○	◔	◑	◔	◔	●	◕
Brooklyn Union	○	◔	◔	◔	◑	◑	◔
Western Resources	◔	◔	○	○	◔	●	◑
Entergy	◑	◑	◑	◑	○	◔	○
El Paso Energy	◕	◕	●	◑	●	○	◕
Columbia Gas	◑	◔	○	◔	◕	◕	◑

Rating ● **Attractive** ○ **Unattractive**

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Tinte pentru achizitii
Analiza fuziunii din punctul de vedere al tintei

Sinergia inversa

Demonstrativ

	Acquiring Company Attributes					
Candidates	Customer Base	Marketing Operations	Balance Sheet	Pipes & Storage	Back Office Skills	Comments
Enron	●	◕	◕	●	●	• Gains access to pipeline competencies • Strong Regional play • Interested in gas operation
Dynegy	◕	◕	◕	◕	◕	• No current retail customer base • Limited domestic assets • Wants to expand its marketing operations
Peoples Gas	○	◔	◑	◔	◔	• Shows little desire for retail • Needs additional cash flow to fund expansions
Brooklyn Union	○	◔	◔	◔	◑	• No current retail customer base • Limited domestic assets • Wants to expand its marketing operations
Western Resources	◔	◔	○	○	◔	• Gains access to pipeline competencies • Strong Regional play • Interested in gas operation
Entergy	◑	◑	◑	◑	○	• Shows little desire for retail • Needs additional cash flow to fund expansions
El Paso Energy	◕	◕	●	◑	●	• No current retail customer base • Limited domestic assets • Wants to expand its marketing operations
Columbia Gas	◑	◔	○	◔	◕	• Gains access to pipeline competencies • Strong Regional play • Interested in gas operation

Rating: ● Attractive ○ Unattractive

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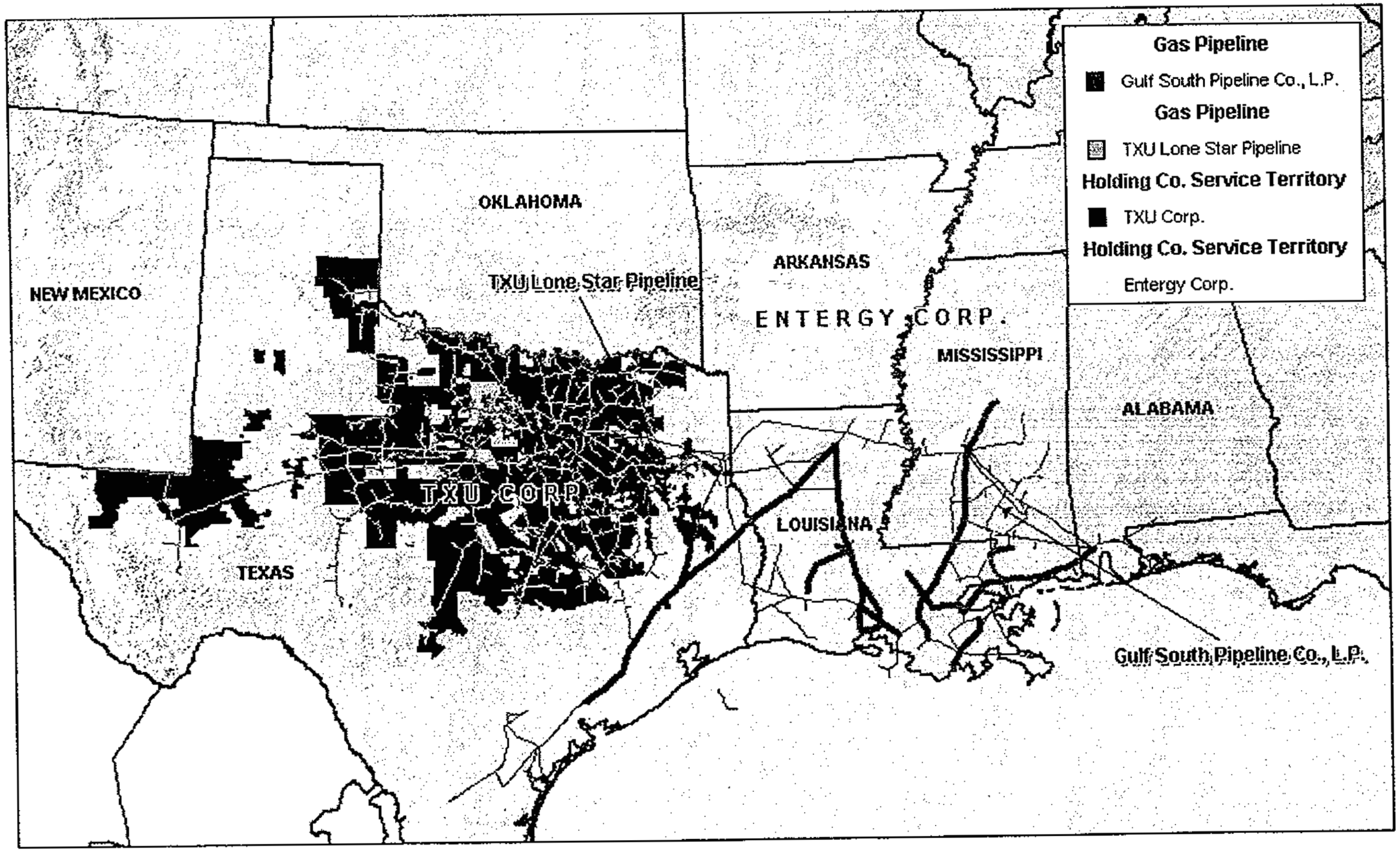
Tinte pentru achizitii
Analiza apropierii - cu cat mai aproape cu atat mai bine pentru beneficii



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Tinte pentru achizitii
Descrierea finala a fiecarui candidat

Enron

Market Evolution

Regulation Era Early 1990's	*Gas Era* Mid 1990's	*Power & Gas Era* Late 1990's	*Deregulation Era* 2000 & beyond
▪ Enron is a major gas pipeline company with revenues of \$4.6 billion ▪ Vision to capitalize on deregulation of pipelines ▪ Entered into a Joint Venture with Bankers Trust in 1991 to gain trading knowledge	▪ Utilities unnerved by fluctuations in deregulated gas prices ▪ Enron markets financial instruments (options/hedges) to deregulated utilities to put them at ease	▪ Committed not to make same mistake twice, Enron moves quickly into deregulated power markets ▪ With large customer base, Enron able to cobble together deals and gain "first mover" advantage	▪ Enron is the largest trader of power and electricity with revenues (2000) of \$40Billion ▪ 75% of revenue derived from commodity trading ▪ Enron established as a premier market maker ▪ Announce sale of \$2-4 Billion assets over next 12 mos.

Key Data

Trading Strategy
Premier market maker in commodities business. Leverage intellectual capital, focusing on innovation; use physical assets to gain insights into markets then divest

Corporate Overview
- Transportation/Distribution
- Wholesale Services
- Retail Energy Services
- Broadband Services
- Other Enron Services

Market Cap: \$39 Billion
Reach: *International*
Assets: \$67 Billion
ROA (TTM): 1.9%
5 yr Revenue growth: 61%
P/E Ratio (TTM): 46

U.S. Trading Information
- ✓ Financial & Physical traders
- ✓ Market maker/speculative
- ✓ Strong gas pipeline network
- ✓ Move 15% of U.S. gas

- ✓ 13% Gas/Power Trading Share
- ✓ 13% Power and 12% Gas
- ✓ Market leader in ECAR & SWPP
- ✓ Top 5 trader in each NERC region
- ✓ Trade coal & crude oil

Future Strategies & Focus
- ✓ *Long-term energy management agreements* (JC Penney, Eli Lilly, Quaker Oats)
- ✓ *Sale of assets* (e.g. sale of California power development rights to Calpine; sale of three gas-fired merchant generating facilities in the Midwest to Allegheny Energy)
- ✓ *Broadband Services expansion* (e.g. numerous strategic alliances to market & deliver broadband)
- ✓ *Enron Online*

Sources: Business.com, Trade Journals, Internal Research

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Agenda

- Obiective
- Alinierea la strategii
- Analiza mediului concurential
- Tinte pentru achizitii
- **Calcularea beneficiilor**
- Etapele urmatoare

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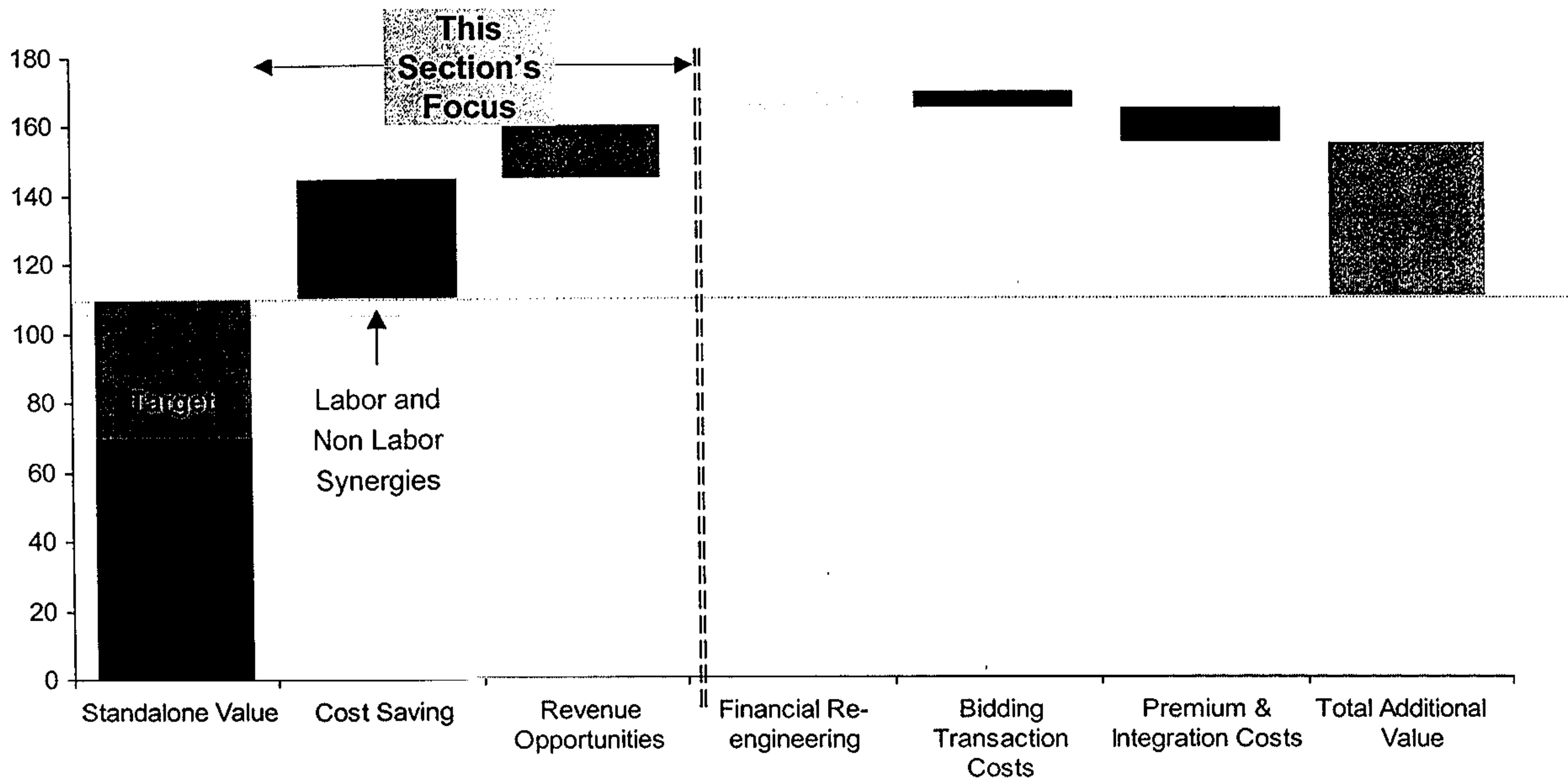
Calcularea beneficiilor
Prezentarea categoriilor tipice de sinergii

Scopul principal al studiului sinergetic este de a oferi un indicator al valorii potentiale care poate fi creata intre diferite combinatii de fuziunui



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Calcularea beneficiilor
Identificarea zonelor pentru economisisrea muncii vii

Zona de munca

Function		
CORPORATE AND ADMINISTRATION LABOR		
Executive Management & Staff		
Legal		
External Relations		
Finance, Accounting, & Planning		
Human Resources		
Information Systems		
Administration & Support		
Purchasing and Materials Management		
Retail Marketing & Sales		
FIELD LABOR		
Customer Service		
Gas System Ops and Transmission		
Gas Distribution		
Gas Supply & Capacity Management		
Electric Transmission		
Electric Distribution		
Coal Power Supply		
Oil/Gas Supply		
Nuclear Power		
Electric System Technical Support		
Hydro Power Supply		
	TOTAL FIELD	

Principiul sinergiei

- Indiferent daca fuziunea se suprapune geografic sau este adiacenta, managementul sau administrativul pot fi reduse. Deseori aceasta este prima si cea mai la indemana zona pentru cautarea economisirilor deoarece cele doua duc la costuri ridicate cu angajatii si se pot face reorganizari de personal.

- Reducerile de personal operational sunt deseori direct dependente de pozitia geografica. Cu cat apropierea este mai mare, cu atat reducerile pot fi mai mari. Daca achizitia nu este aproape, inca se mai pot face reduceri prin aplicarea celor mai bune practici si printr-o normare interna corespunzatoare.

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Calcularea beneficiilor
Exemple de economii cu munca vie

Merger Company 1 :	New Centuries Energy	Boston Edison	Western Resources
Merger Company 2 :	Northern States Power	Commonwealth Energy	Kansas City Power and Light
New Company Name :	**XCEL Energy**	**NSTAR**	**Western Resources**
Year of Merger	2000	1999	Merger Discontinued in 2000
Labor Category			
Corporate Employees Reduced	617	296	330
Field Employees Reduced	167	66	259
Total Employee Reductions	784	362	589
Pre-Reduction Employees		4604	7417
Percent of Total Reduced		7.86%	7.94%
Proximity:	Adjacent Service Territories	Both in Massachusetts	Adjacent Service Territories
Combined Asset Value:	$15.1 Billion	$4.7 Billion	$2.8 Billion
Year Merger Proposed:	1997	1997	1998
FERC Approval:	2000	1998	n/a
Individual State Approval:	2000	1999	n/a
Ten Year Labor Savings	$616 Million	$351 Million	$472 Million

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Calcularea beneficiilor
Identificarea zonelor de economisire in late domenii decat munca vie

Non- Labor Area

Corporate & Administrative Programs:	
	Administrative & General Overhead
	Advertising
	Benefits
	Insurance
	Information Services (O&M)
	Information Services (Capital)
	Professional Services
	Facilities
	Shareholder Services
	Directors' Fees
	Association Dues
	Regulatory Expenses
	Research & Development
	Telecommunications
	Credit Facilities
	Total
Purchasing Economies:	
	Procurement
	Inventory
	Contract Services
	Total
Fuel Supply:	
	Coal Supply
	Gas Supply

Principiul sinergiei

- Unele economii din alte domenii decat munca vie vor fi marcate de reducerea de personal, cum ar fi:beneficiile, facilitatile si cheltuielile generale.
- Se pot elimina complet unele categorii daca nu sunt in plus cum ar fi: taxele la ascociatii, platile directorilor si serviciile actionarilor.
- ***Purchasing leverage*** creste proportional cu cheltuielile totale
- Contractele de furnizare, depozitare si transport beneficiaza de pe urma ***the portfolio effect.***

Calcularea beneficiilor
Exemple de economii din alte domenii decat munca vie

Merger Company 1 :	NCE	W. Resources	BCE	
Merger Company 2 :	NSP	KCPL	Commonweath	NSTAR Merger
New Company Name :	**XCEL Energy**	**Western Resources**	**NSTAR**	**Rationale for Savings**
	---------*Percent Reduction*---------			
Corporate & Administrative Programs:				
Administrative & General Overhead	2%	6%	5%	- Fewer Employees
Advertising & Public Releations	6%	11%	25%	- 25% of smaller company's fees
Benefits Administration	12%	25%	25%	- Economies of Scale
Benefits	1%	1%	4%	- Reflects consolidation of providers
Insurance	n/a	20%	23%	- 10% of combined company's property insurance - 25% of combined company's excess liability insurance - 100% of smaller company's fiduciary and crime costs. - 100% of smaller company's excess and bond workers compensation
Information Services (O&M)	n/a	n/a	12%	- Fewer employees - Eliminating a redundant data centers
Information Services (Capital)	n/a	n/a	n/a	
Professional Services	n/a	10%	17%	- 30% in audit fee for smaller company - 75% in management consultanting for smaller - 20% of combined legal services
Facilities	n/a	n/a	n/a	
Shareholder Services	8%	18%	14%	- 100% of annual report and proxy costs for smaller - 75% of annual meeting and NYSE costs for smaller - 25% of all other costs for smaller

Calcularea beneficiilor
Exemple de economii din alte domenii decat munca vie (cont.)

Merger Company 1 : Merger Company 2 : New Company Name :	NCE NSP **XCEL Energy**	W. Resources KCPL **Western Resources**	BCE Commonwealth **NSTAR**	NSTAR Merger **Rationale for Savings**
	Percent Reduction			
Directors' Fees	40%	28%	n/a	
Association Dues	7%	16%	22%	- EEI and AGA dues based on a formula of customers per company
Regulatory Expenses		1%	n/a	- Regulatory dues based on government formula
Research & Development	6%	14%	n/a	- Research contributions to industry consortium based on a formula
Vehicles	15%	n/a	23%	- Fewer employees
Lines of Credit	n/a	n/a	33%	- Combination of lines of credit minimizes base fixed costs
Purchasing Economies:				
Procurement	5%	8%	7%	- Vendor consolidation and increased purchasing power
Inventory	2%	3%	10%	- Combination of inventories reduces number of spare parts
Contract Services	1%	3%	n/a	

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Calcularea beneficiilor
Identificarea sinergiilor potentiale de venit

Zona de venit	Principiul sinergiei
Brevete sau tehnologii proprii	■ Pe baza noilor clienti se creaza noi canale de distributie
Puterea efectiva de vanzare	■ Tehnicile de vanzare si experientele in negocieri pot fi impartatsite pentru a creste puterea de vanzare achizitionata
Dezvoltarea de noi produse	■ Eforturile de cercetare si dezvoltare pot fi imbinate pentru a crea mai repede produse si servicii noi
Marca	■ Perceperea publicului creste pe masura ce puterea economica a firmeicreste

Calcularea beneficiilor
Rezultate

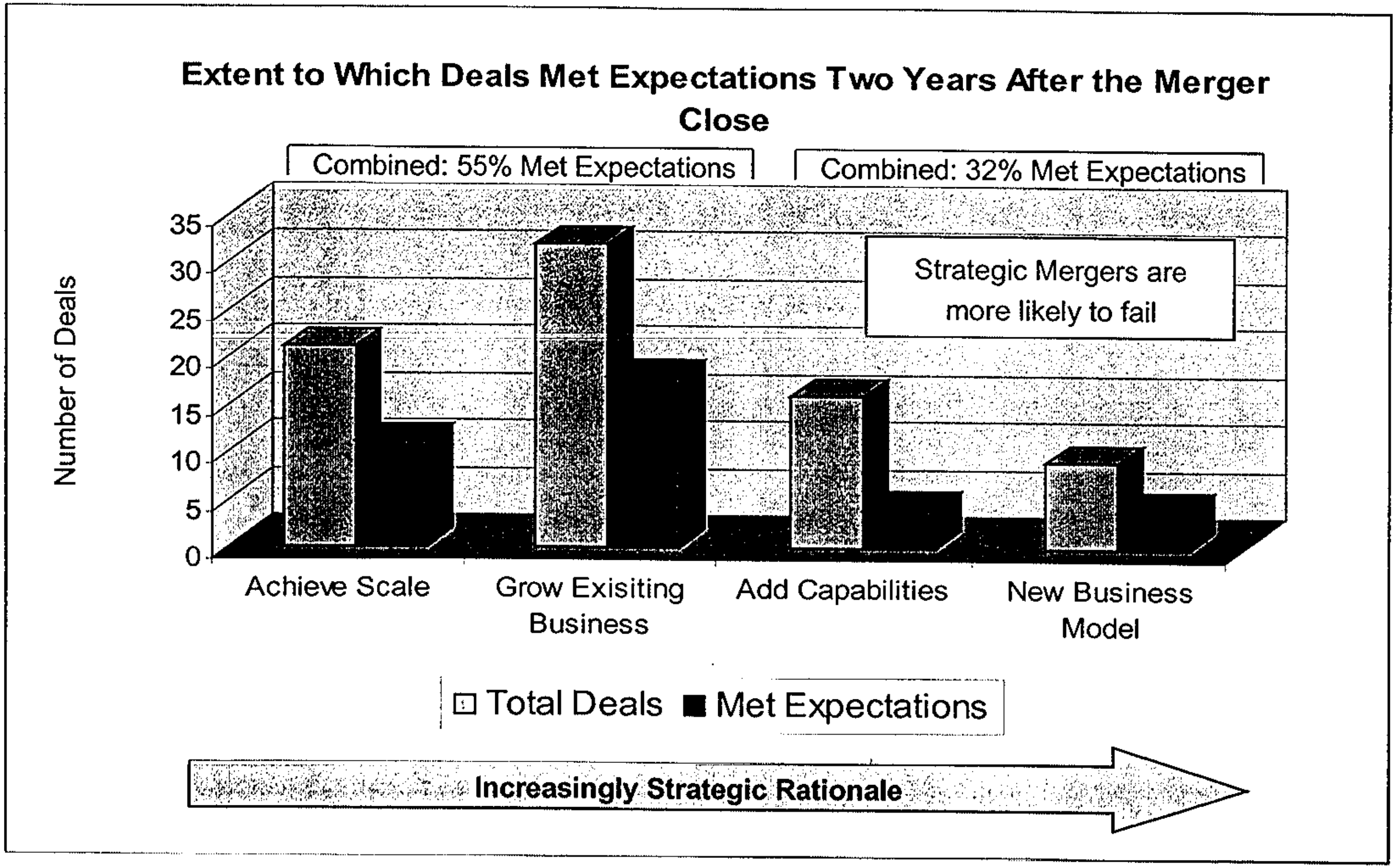
The U.S. convention is to calculate net savings out for 10 years. This is the number that is typically reported to the media as the benefits of the merger. The non-discounted number avoides cost of capital problems and provides a larger a number for public relations purposes.

Revenue Synergies are generally considered “softer“ estimates and therefore not used to justify the merger.

Total Savings Summary

Areas ($ in 000s)	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Total	% of Total
Labor	$12,477	$33,003	$39,513	$42,219	$44,955	$47,729	$50,543	$53,401	$56,305	$59,258	$32,871	$472,275	46.3%
Corporate & Administrative Programs:	12,982	29,318	36,605	44,356	48,760	49,872	50,067	48,595	46,788	43,647	20,956	$431,944	42.3%
Purchasing Economies	4,077	10,242	12,770	15,255	17,700	20,112	22,494	24,848	27,175	29,473	15,709	$199,856	19.6%
Fuel Supply	$492	$3,469	$6,158	$6,274	$6,636	$7,634	$7,958	$8,056	$8,348	$8,279	$4,139	$67,443	6.6%
Total Savings	$30,029	$76,032	$95,046	$108,103	$118,051	$125,346	$131,062	$134,900	$138,616	$140,657	$73,676	$1,171,518	100.0%
Costs to Achieve	47,337	14,954	10,399	4,698	3,562	3,581	3,601	3,623	3,645	3,669	1,847	$100,916	8.6%
Pre-Merger Initiatives	$693	$1,752	$2,499	$3,275	$4,041	$4,836	$5,660	$6,515	$7,401	$8,274	$4,589	$49,535	4.2%
Net Savings	($18,001)	$59,325	$82,148	$100,130	$110,448	$116,929	$121,801	$124,762	$127,570	$128,714	$67,240	$1,021,067	87.2%

53% of Mergers and Acquisitions fail to deliver their expected results*



*2001 Booze Hamilton Study

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Agenda

- Obiective
- Alinierea la strategii
- Analiza mediului concurential
- Tinte pentru achizitii
- Calcularea beneficiilor
- **Etapele urmatoare**

Etapele urmatoare
Etape esentiale in completarea tranzactiilor

Negocierea preturilor/aranjamente financiare

Implicarea majora a investitorilor pentru evaluare si rezolvarea datoriilor sau a echitatii financiare. Plusurile sunt de obicei cuprinse intre 20%-40% din evaluarea dinaintea fuziunii.

Structura negociata a noii conduceri -

In general nu reprezinta o problema in cazul achizitiilor, deoarece compania cumparata plateste un pret mai mare pentru a avea dreptul sa hotarasca noua structura de conducere. In cazul fuziunii sau in conditii de egalitate, se poate ajunge la distrugerea unei intelegeri. In cazul proprietatii straine, inclinatiile culturale pot ridica si mai multe probleme.

Aprobarea reglementarilor

Reglementatorii deseori folosesc acest pretext pentru a obtine concesii in plus de la noua companie creata. In cazul in care este ....., cererile pot influenta sinergiile planificate.

Integrarea

Este cea mai dificila parte a unei fuziuni de succes. Diferentele culturale, luptele pentru puterea politica si moralul scazut pot influenta obtinerea beneficiilor planificate.

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PUBLIC PARTICIPATION IN THE REGULATORY PROCESS

Review of International Best Practices and Implications for the National Authority for Gas Sector Regulation in Romania (ANRGN)[1]

John P. Banks,Project Manager
Nexant, Inc,
Washington, D.C.

1. INTRODUCTION

In 2000, the Romanian Government initiated reform of the natural gas industry, characterized by a competitive market at the wholesale level for large customers and distribution companies, and a captive market at the retail level for small and medium-sized customers. As part of these changes, the National Authority for Gas Sector Regulation (ANRGN) was established in January 2000 through Government Ordinance No. 41/2000. The Authority is responsible for issuing licenses, drafting operational legislation, establishing gas tariffs, and monitoring compliance with the rules of competition in the gas sector.

1.1 Objective

Public acceptance of change and the reasons for change, including increasing energy prices and how the gas market is to function and be monitored, is essential for reform to succeed. ANRGN will need to take leadership in securing that acceptance, and foster public participation in the regulatory process. Thus, the main objective of this report is to:

- develop a profile of best practices in public participation in the regulatory process, which the ANRGN can utilize as a blueprint in developing a strategy to communicate with the public.

1.2 Approach

In this Section, Nexant outlines the analytical approach utilized in conducting this assignment. First, it is useful to identify clearly what is meant by "public participation." Nexant defines this as any formal or informal interaction of a regulatory agency with individual consumers or consumer groups. This includes any contact initiated by the agency, or by the public. For the purposes of this task, Nexant identifies three discreet categories of public interaction:

i. Complaint handling
   - Creating complaint handling procedures and forms

[1] This paper was prepared by Nexant, Inc. under a program of technical and management consulting support sponsored by the U.S. Agency for International Development.

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- Informing the public about this process, especially how to register complaints with the regulatory agency
- Receiving complaints, formal and informal, from the public
- Investigating and resolving complaints
- Creating and maintaining database of complaints (automated, computer-based)
- Analyzing aggregate complaint data
- Feeding results of analysis into policy decisions/changes, and the design of consumer education materials

ii. Consumer education
- Developing education and outreach materials
- Assessing consumer demographics and attributes
- Evaluating effectiveness of consumer education initiatives

iii. Public Information/Outreach
- Regulatory Agency Information
- Industry Specific Information
- Coordinating media relations
- Coordinating legislative relations
- Participating in conventions, trade shows, speeches, workshops, focus groups, etc.
- Recording, maintaining and disseminating official documents

Nexant believes that this breakdown captures the main activities incorporated in regulatory agency interaction with the public.

1.3 Why is public participation important?

As gas markets worldwide undergo significant change, i.e., unbundling, rate increases, greater competition, etc., there is an increasing need to inform the public about gas industry transformation, and assist consumers in navigating the changes. As market liberalization takes place and regulatory agencies have greater contact with the public, this, in turn, engenders greater participation by the public (most noticeably in the form of complaints and inquiries about the changes and their impacts).

Public participation is important to the ANRGN and Romania because it is a key component in one of its – and any regulatory agency's – mandate to protect and respond to consumers' interests. And this is particularly important in any scenario where dramatic changes are happening in the market. In addition, this increased external focus of regulatory bodies reflects a global trend, as will be described in this report.

1.4 Review of public participation practices

Nexant assessed information from two major sources. First, we analyzed a wide variety of materials and documents on this subject from general sources, including associations, donor organizations, published articles, etc. The second major source of information was representative public utility agencies worldwide. Nexant reviewed the public participation practices of:

- Agencies which regulate the gas sector (gas only and multi-sector)
- Agencies which regulate a gas market similar to Romania (total consumption, number of residential consumers)
- Agencies representative of different global regions (US, Europe, Latin America, Asia)
- Agencies both newly-established and with many years experience

In this way, Nexant has attempted to assemble a profile of public participation practices from a wide variety of regulatory agencies worldwide, but at the same time all of which have some relevance for the ANRGN.

1.5 Assessment of how public participation functions are organized and implemented

With regard to the major public participation functions, Nexant's analysis was organized around the following major issues and questions:

- General Trends – what major factors are affecting public participation functions, and how are public utility agencies responding?

- Organizational structure – how are the functions organized within the agency?

- Staffing – how many individuals are dedicated to these functions, and what types of staff (skills) are required?

- Products and delivery mechanisms – what types of products (or tools) do public utility regulatory agencies employ, and how are they made available to the public?

2. GENERAL TRENDS

Throughout the world, the trend toward increased private sector participation, competition, and liberalization in energy markets has had a dramatic impact on consumers. Where markets were once very static, with stable, low prices rigidly controlled, a few players, and limited to no competition, consumers are now confronted with vastly different energy industries and far more complex markets. In most cases, the level of consumer awareness and understanding of these changes—and their implications for the average consumer—can be severely limited.

The public reaction to energy market changes has directly impacted public utility regulatory agencies worldwide. For example, in the U.S., a recent survey indicated that state public utility commissions (PUCs) observed a 28 percent increase in customer

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contacts in the period 1993-1997. In the same time frame, the PUCs experienced a 40 percent increase in natural gas related complaints.[2]

The response of the public utility agencies has been noticeable: more emphasis on the role of public participation, and a greater external focus. In many countries, there has been a re-examination of the importance of the role of education, especially on the need to inform the public about specific industry changes taking place (or being discussed by policy-makers and industry representatives), and the likely impact on the consumer. Typical issues include tariff increases, restructuring (unbundling of existing companies, and/or the addition of new market entrants), and the introduction of new commercial relationships.

In the US, one noticeable trend is that staff at the state PUCs responsible for public participation functions are becoming more involved in policy making. As consumers increase their contact with a PUC, the staff become more aware of the concerns of the general public. This knowledge, in turn, can be passed along to agency staff responsible for developing policy changes, or those staff who liaise with legislative bodies.

One major trend reflected in regulatory agencies worldwide is the increased use of information technologies and automation, especially the internet. Virtually all of the regulatory agencies Nexant reviewed had websites, and relied heavily on this mechanism to communicate with the public. Agencies are also increasingly depending on a variety of computer-based programs and databases, such as complaint tracking software. In the complaint handling function, toll free telephone numbers are common, as well as the use of forms provided on the websites for filing complaints.

All of these general trends have had an impact on the structure and staffing of public utility regulatory agencies. These topics are discussed separately in the following Sections.

3. ORGANIZATIONAL STRUCTURE

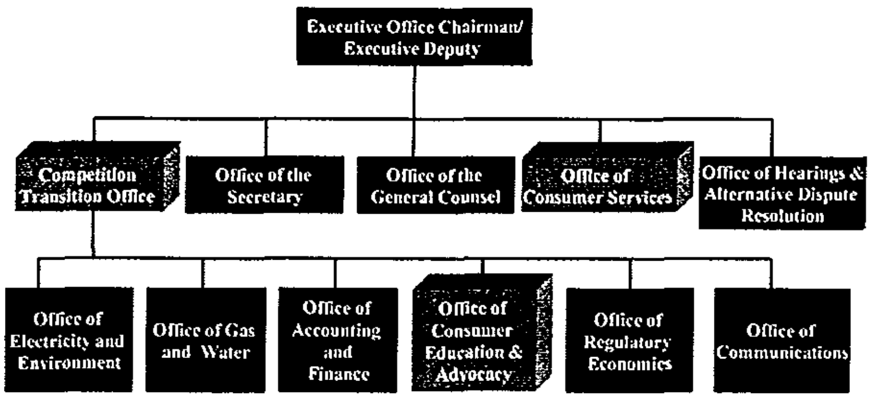
In designing an internal structure, regulatory institutions have to address how to arrange their major activities and functions. Where various functions are located can reflect the level of importance of that activity. Functions may be located as a major division of the agency (first tier), or structured as a subdivision or office (second tier or third tier) of a major department. This can, in turn, affect the level of resources and staffing dedicated to these functions (discussed in Section 4).

All regulatory agencies have distinct units, or departments, dedicated to public participation functions, and these activities are typically structured as first tier units. This indicates that these functions were viewed as equally important as other agency functions. As consumers become more affected by recent dramatic changes in energy industries, and public contact with regulatory agencies increases, regulatory agencies in

[2] Data in this paragraph from "*Summary of Consumer Services/Affairs Office Survey,*" by Lisa Colosimo and Craig Smith, Public Utilities Commission of Ohio. Appearing in Compendium of Resources on Consumer Education, National Regulatory Research Institute, July 1998.

which these public participation functions occupied a second tier level have recently elevated them to even more prominence within the organization. Exhibits 1 and 2 illustrate two approaches to locating public participation functions in a regulatory agency.

Exhibit 1
New York State Public Service Commission



Source: NYSPSC Annual Report 1998-1999

Exhibit 1 illustrates an example of a regulatory agency which has placed its public participation functions at first tier level departments: the Office of Consumer Services, and the Office of Consumer Education & Advocacy. The latter, along with the Competition Transition Office, were created in 1999 to accommodate changes taking place in the utility industries in New York State. The new Office of Consumer Education & Advocacy "will focus on consumer oriented competition issues, including outreach and education, compliance, service quality, and residential and business advocacy." The Office of Consumer Services "will continue to provide direct and timely assistance to consumers in utility-related complaint handling matters."[3]

Exhibit 2 depicts a regulatory agency structure where the public participation functions are placed at a second tier level. In the Hungarian Energy Office, the Consumer Protection unit is one of several sections under the Vice President for Energy Supply, and Energy Information Coordinator is placed under the Department of Pricing and Economic Analyses.

Beyond the question of what level public participation functions occupy, there are several ways to structure these activities *within* specific departments or units. In general, there are two alternatives: the three main functions may be combined in one unit, or they may be housed in separate departments (see Exhibit 3 and 4 for examples of each). There are advantages and disadvantages to each approach, as summarized in Table 1.

[3] Source: NYSPSC Annual Report 1998-1999.

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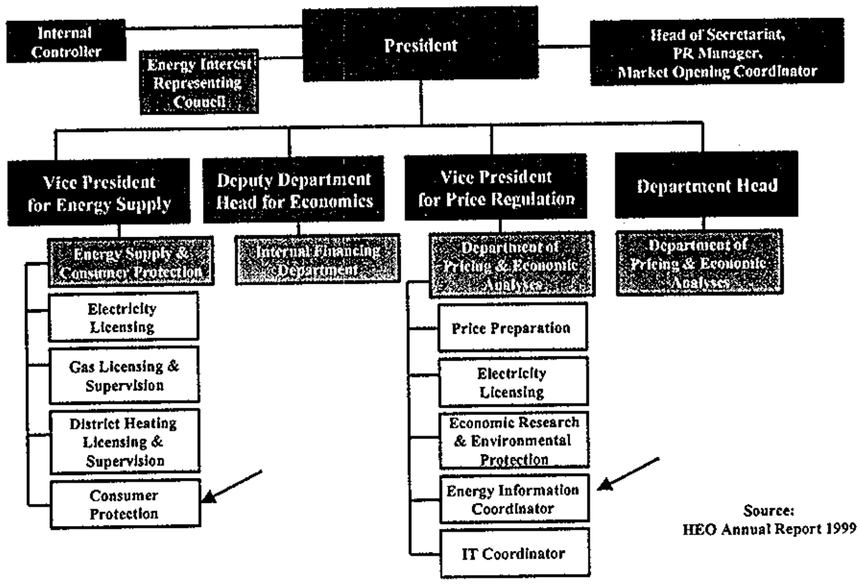
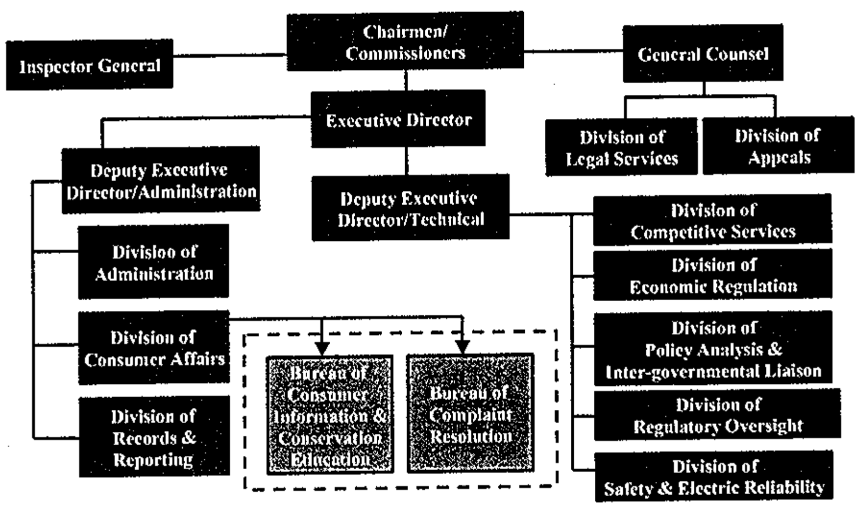
Exhibit 2:
Hungarian Energy Office (Hungary)



Source:
HEO Annual Report 1999

Exhibit 3:
Florida Public Service Commission (US)



Source: FPSC Annual Report 2000

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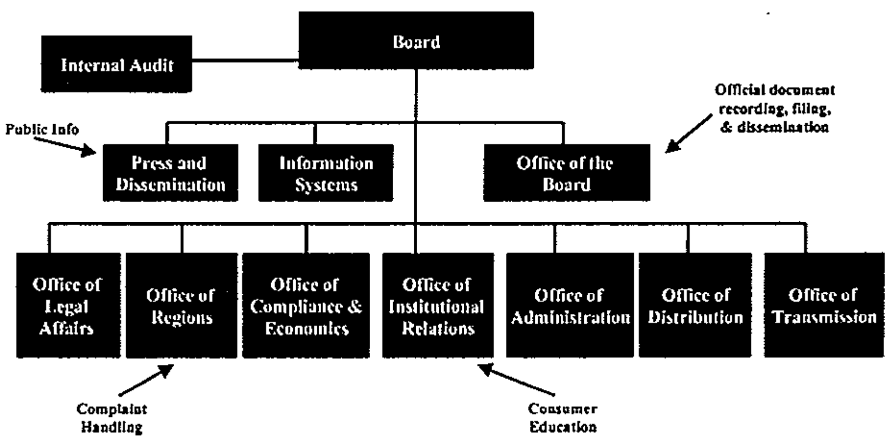
Exhibit 3 presents an example of a regulatory agency where the public participation functions are located within one department – the Division of Consumer Affairs. Exhibit 4 shows ENARGAS – the Argentine gas sector regulatory agency – where the public participation activities are divided among several units throughout the agency.

When public participation functions are decentralized, complaint handling is typically contained in a separate unit, and consumer education and public information are combined. This essentially reflects a separation of the intake function – complaint handling – where the contact is initiated by the public, versus out-going functions – consumer education and public information/outreach – where the contact is primarily at the initiative of the regulatory agency.

In some regulatory agencies, particularly in the US, certain functions may become even more decentralized. For example, sub-categories of public information dissemination/outreach activities involve legislative affairs, and recording, maintaining and disseminating official documents. Since these are high profile functions, they are often housed in separate, first tier divisions. In addition, with regard to official documentation, such as dockets, agency decisions, filings, etc., there are strict legal requirements which accord this function a high level of priority.

Exhibit 4:
ENARGAS (Argentina)



Source: ENARGAS Annual Report 1999

Another example of structural decentralization is the establishment of separate units for activities closely related to the complaint handling function: (a) investigations and compliance with regulations; and (b) policy, or monitoring and evaluating the regulated utilities' customer service practices and programs.

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An additional structural trend observed is that many regulatory agencies have linkages to consumer councils or advisory committees which serve as external consultative bodies representing consumers at large. Many of the newly formed regulatory agencies in Eastern and Central Europe have these relationships. For example, the Energy Regulation Council in Latvia coordinates with an Energy Consumers Committee established by the Cabinet of Ministers. The Committee manages the interaction between the Council and energy consumers. It has seven representatives from public organizations, and is chaired by a representative from the Council.

In a few cases, regulatory agencies do not carry out the complaint handling function. Rather, consumers directly contact an outside entity responsible for serving as the liaison between operating companies and the general public. This structural framework is in place in the United Kingdom – where Energywatch deals with consumer complaints as an independent organization, in lieu of the regulator (Ofgem)[4] – and in the Australian state of Victoria. In Victoria, complaints are directed toward another state agency, the Office of Fair Trading & Business Affairs.[5] This set-up may be used for a variety of reasons: to provide a very high profile to the complaint handling and consumer assistance function by isolating it in an entirely separate organization; or simply to leverage organizational strengths existing outside the agency.

Table 1
ASSESSMENT OF STRUCTURAL OPTIONS FOR PUBLIC PARTICIPATION FUNCTIONS IN REGULATORY AGENCIES

Centralized in One Unit	Decentralized in Separate Units
<u>Advantages</u> • Enhances coordination of related activities	<u>Advantages</u> • Functions spread throughout the agency • Each function gets individual attention
<u>Disadvantages</u> • May isolate public participation functions in one area of agency • Some of the functions may be over-shadowed by others	<u>Disadvantages</u> • *May limit coordination of related activities*

Source: *"Staffing the Consumer Education Function: Organizational Innovation, Necessary Skills, and Recommendations for Commissions,"* National Regulatory Research Institute, March 1998.

[4] Source: Website for the Office of Gas and Electricity Markets (Ofgem).
[5] Source: *Fact Sheet No. 7, Complaints Handling and Dispute Resolution*, Office of the Regulator General.

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4. STAFFING

All of the regulatory agencies reviewed by Nexant for this assessment dedicated separate staff to public participation functions. In general, the number of individuals is relatively small compared to the overall staffing complement, typically accounting for around 10 percent in US PUCs.[6] In addition, the majority of staff are involved in the complaint handling function, and less to consumer education and public information/outreach. For example, at the Pennsylvania Public Utility Commission in the U.S., there are 75 personnel allocated to the three main public participation functions: 65 to complaint handling and related activities, and 10 to consumer education and public information/outreach activities.[7]

Commensurate with the organizational trend to elevate public participation functions to first tier departments, regulatory agencies are also elevating the personnel assigned these activities. Staff designated as part of senior management, or directors, are increasingly responsible for these functions.

In the aftermath of energy industry changes and rising consumer interest and participation in the regulatory process, most agencies have identified the need for more staff dedicated to public participation functions. However, most are also confronted with financial constraints limiting their ability to add staff. Many are increasingly utilizing a combination of innovative approaches, such as: employing part time employees or volunteers to handle incoming complaints or inquiries from consumers; using outside consultants to design consumer education materials; instituting automated complaint handling systems, such as 24-hour/day toll free numbers, and complaint tracking databases, and; training existing agency staff to handle public participation functions. Finally, as mentioned above in Section 3, there are examples of regulatory frameworks where the complaint handling and consumer assistance function is conducted by an outside consumer group, and not the regulatory body. One rationale for this approach may be to reduce the need to allocate human and financial resources to this activity.

The profile of staff required for public participation functions is also changing. More contact with consumers necessitates a re-alignment of skills, and an increase in the level of specialization. In particular, the trends toward greater consumer education, policy input, public outreach, and analysis of consumer behavior/complaints, has led to the need for staff with greater knowledge of:[8]

- Strategic planning
- Communications
- Needs assessment, curriculum development
- Consumer behavior

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[6] Based on an overview of data in *Profiles of Regulatory Agencies in the US and Canada: Yearbook 1995-1996*, National Association of Regulatory Utility Commissioners.
[7] Data from "*Organization Manual*," Pennsylvania Public Utility Commission, May 24, 2000.
[8] From "*Staffing the Consumer Education Function: Organizational Innovation, Necessary Skills, and Recommendations for Commissions*," National Regulatory Research Institute, March 1998.

- Mass media
- Program evaluation
- Policy analysis

Regulatory agencies are becoming information and communication organizations, where every staff member, including Commissioners, are assuming responsibility for some aspects of public participation functions.

5. PUBLIC PARTICIPATION: PRODUCTS

In this Section, Nexant provides a summary of what kinds products public utility regulatory agencies provide to consumers. In the following Section, we outline the methods in which these materials are made available, or delivered, to the public.

5.1 Complaint Handling

Most regulatory agencies generally indicate that their primary public participation function is complaint handling. In order to address this, the majority provide materials and information to consumers to facilitate this contact. This includes:

i. *Bill of consumer rights* – a statement of the role and rights of consumers vis a vis the operating companies

ii. *How to contact the Commission* – most contact by consumers is made by telephone, although the internet (use of agency website) is rapidly increasing

iii. *Forms for filing complaints* (formal and informal) – agencies often provide standard forms (electronic or hard copy) for consumers to fill-in and provide to the agency

iv. *Consumer activities reports* – agencies will also provide a tabulation of complaints received, by industry and type of complaint

v. *Analyses of customer service performance* (periodic assessments) – many agencies, often in their Annual Reports, will document and provide information as to how successfully complaints are addressed (in terms response time and achievement of resolution)

5.2 Consumer Education

All of the regulatory agencies surveyed by Nexant provide consumer education materials. These can be summarized in two main categories:

i. *General Consumer Assistance* – typically this is broad-based information to address a general audience, and includes
- "Frequently Asked Questions" brochures or pamphlets
- "How to…" documents (e.g, read a bill, save energy, contact a utility, etc)
- Hearings and or public meetings: information on what they are, how they work, hints for speaking, etc.

ii. *Topical Subjects (current important topics)* – agencies are providing more and more information addressing a specific subject of immediate or imminent importance. This can include details on the issue and potential impact on consumers. Examples are:
- Restructuring - planned or recent changes in industry structure
- Tariff increases, or a company's request for a rate increase
- New market entrants

5.3 Public Information / Outreach

Materials in this category reflect regulatory agencies' attempts to disseminate more technical data and information about the regulatory process to the public.

i. *Regulatory Agency Information* -- all agencies provide information (often through their required Annual Report) on:
- Mandate or Mission Statement – "who we are and what we do"
- Enabling legislation – the legal mandate of the agency
- Personnel (profile of Commissioners and staff)
- Organization (charts, explanation of each division)
- Budget
- "How to contact, what's new"

ii. *Industry Specific Information* – this category includes data specific to a particular energy industry, including:
- Rate information – existing tariffs for gas, how they are calculated, and recent increases
- Sector profile (statistics) – general information on production, consumption, transmission and distribution, storage, imports/exports, etc.
- Glossary of terms

- Sector updates (periodic basis)
- Copies of licenses and other legal documents
- Customer service codes, rules, guidelines

iii. *Official Documents* – these are official, legal materials generated by the agency on a routine basis, and subject to strict guidelines for preparation, recording, and dissemination to the public, including:

- Dockets and Filings
- Decisions
- Updates on agency activities (sectoral, monthly, quarterly)
- Agency Annual Reports (typically required)
- Hearings and or public meetings: announcements, summaries, agendas, etc.

6. PUBLIC PARTICIPATION: DELIVERY MECHANISMS

This Section answers the question of *how* regulatory agencies interact with consumers. Typically, regulatory agencies use a variety of mechanisms. Recently, the most common is the internet, and agency websites. The more advanced regulatory agencies provide virtually all of the information listed in Section 5 on their websites for easy public access. Other common delivery mechanisms are news releases, fact sheets, newsletters, brochures, etc. Telephone contacts also remain one the primary methods of contact with the public and, as mentioned, most regulatory agencies have toll free numbers and/or call centers to handle complaints and inquiries.

A summary of the most common avenues of interaction are provided below.

- Website
- Hotline (toll free, 24 hrs/day, automated) – in US for complaint department
- Newsletters
- Press Releases/conferences
- Commissioner & staff interviews
- News wire services
- Radio & TV
- Brochures
- Conventions
- Trade shows
- Speeches
- Workshops
- Town Meetings
- Direct Mail
- Weekly / monthly calendars
- Allowing media to record events

Obviously public hearings constitute one of the most important forums for public interaction with regulatory agencies. These are often governed by rigid requirements and guidelines for all participants in the hearing process. In the U.S., for example, most states have laws or rules for the following:[9]

- requiring that:
    - Most meetings or proceedings be public
    - Most documents or records be public
- requiring that meetings or proceedings be public to:
    - Accept evidence
    - Hear oral arguments
    - Take official action
    - Set public policy
- requiring that public records to be available to public, including:
    - Minutes or reports of public meetings
    - Final staff reports
    - Formal staff recommendations
    - Utility tariff decisions

The delivery mechanisms a regulatory agency utilizes depend on the number and type of staff available, as well as the financial resources at the agency's disposal.

[9] Source: *Profiles of Regulatory Agencies in the US and Canada: Yearbook 1995-1996*, National Association of Regulatory Utility Commissioners.

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Public Participation in the Regulatory Process:

Review of International Best Practices and Implications for ANRGN

Prepared by John P. Banks

USAID

Nexant

Objective

- **Develop profile of best practices in public participation in the regulatory process, which ANRGN can utilize as a blueprint in developing a strategy to communicate with the public**

Approach

Three steps

What is "public participation"?

Why is public participation important?

How is it addressed worldwide?

Approach

- ***What is public participation?***
    - **Complaint Handling**
    - **Consumer Education**
    - **Public Information / Outreach**

Approach

- ***Why is public participation important?***
    - ➢ **Critical responsibility of any regulatory agency: protecting and responding to consumers' interests**
    - ➢ **Especially important in period of dramatic market and industry transformation**

Approach

- ***How is public participation addressed worldwide?***

  Nexant examined regulatory agencies:

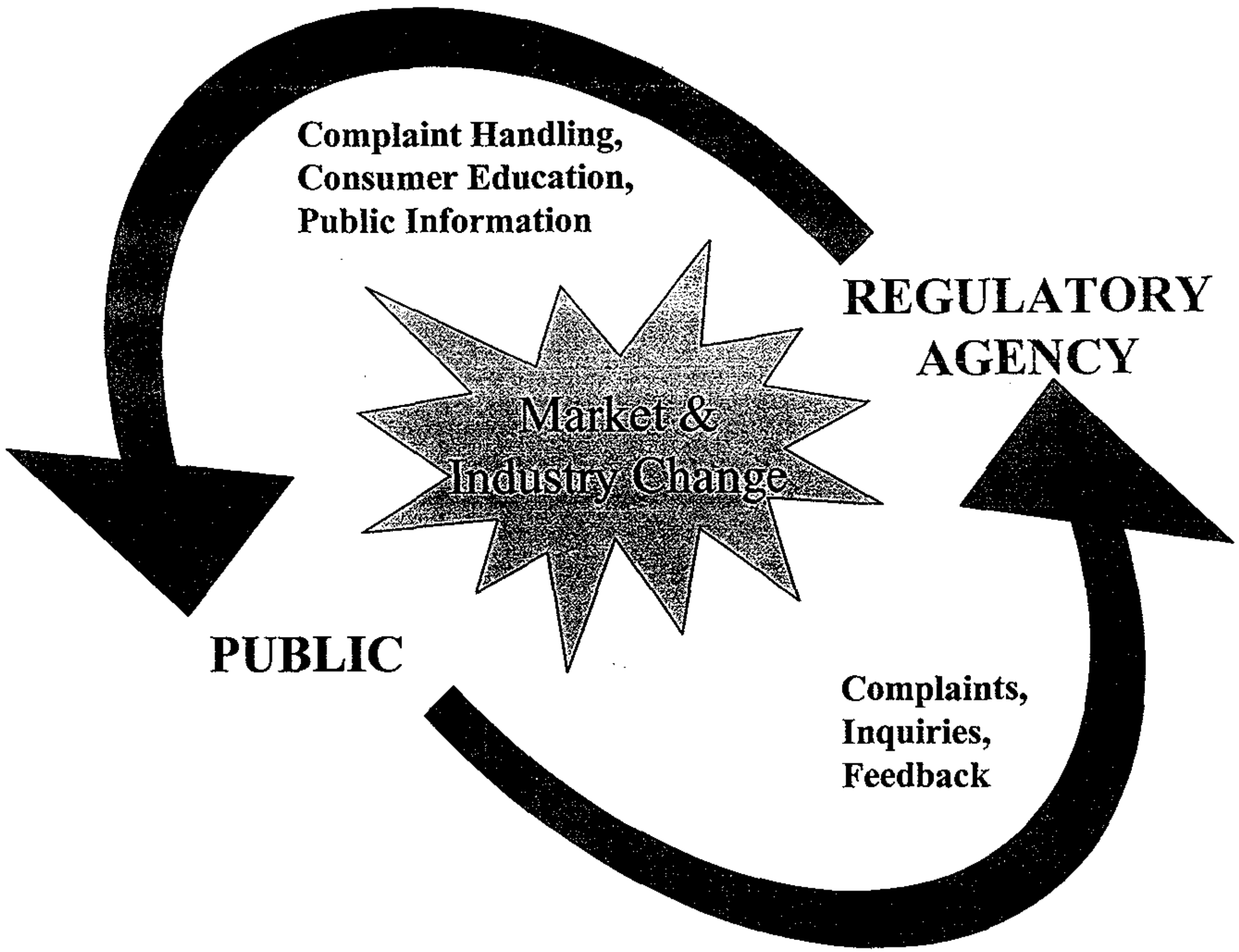
  - **Regulating gas sector (gas only & multi-sector)**
  - **Regulating gas market similar to Romania (number of residential consumers, total consumption)**
  - **Representative of different global regions (US, Europe, Latin America, and Asia)**
  - **Newly established, and with many years experience**

Analysis

- ***How are public participation functions organized and implemented?***
  - **General Trends**
  - **Organizational Structure**
  - **Staffing**
  - **Products and delivery mechanisms**

GENERAL TRENDS:

REGULATORY AGENCY INTERACTION WITH THE PUBLIC



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General Trends

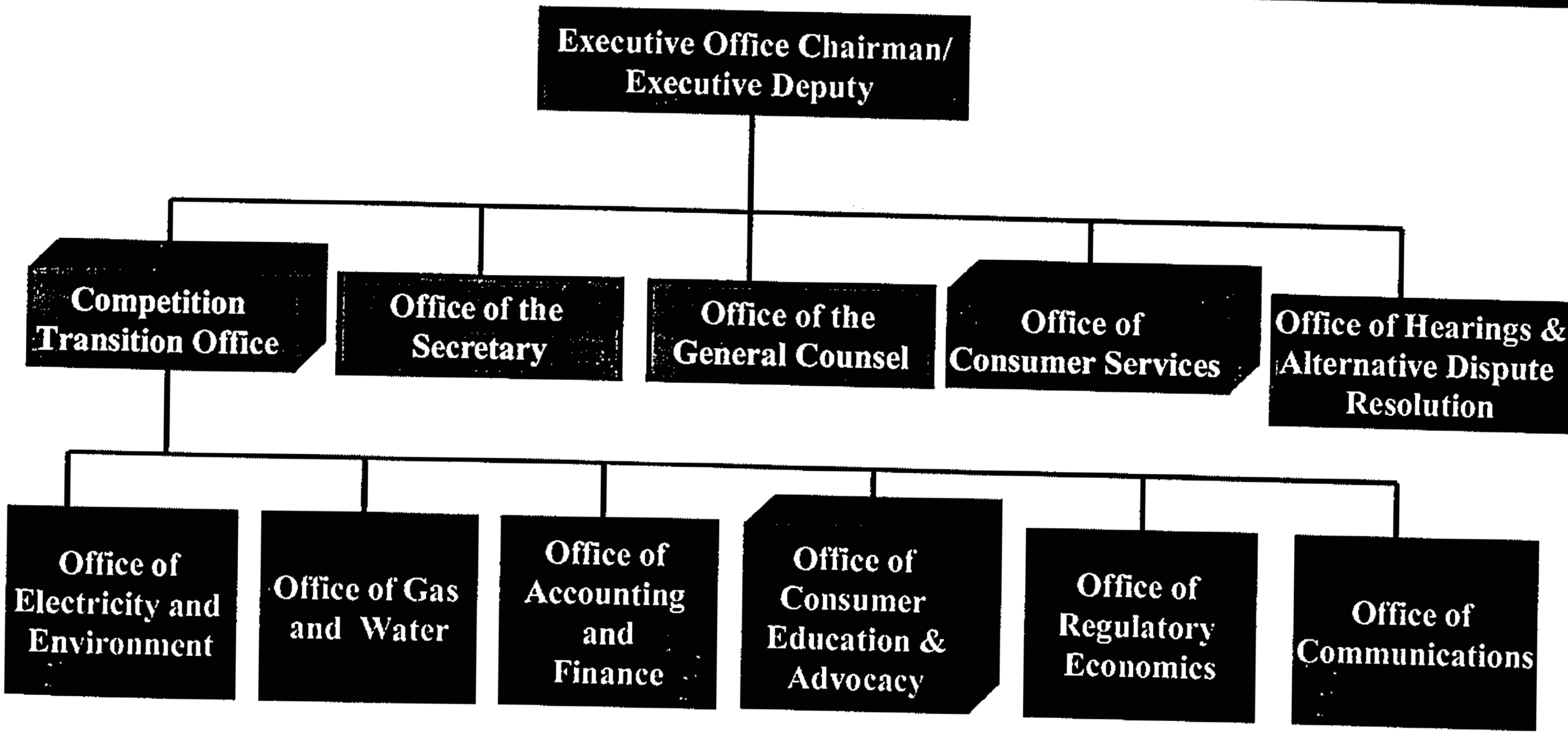
- ***Changing markets impact consumers***
  - **in US, 28% increase in customer contacts with state PUCs 1993-1997**
  - **Same period, 40% increase in natural gas complaints**
- ***Regulatory agencies have responded***
  - **More emphasis on role of public participation**
  - **Especially consumer education, and specific industry issues**
  - **Greater input to policy and legislative process**
  - **Increased use of information technologies and automation**

Organizational Structure

- **All regulatory agencies have distinct units, or departments, dedicated to public participation functions**

- **Trend is to place these activities as first tier units**

New York State Public Service Commission (US)



Source: NYSPSC Annual Report 1998-1999

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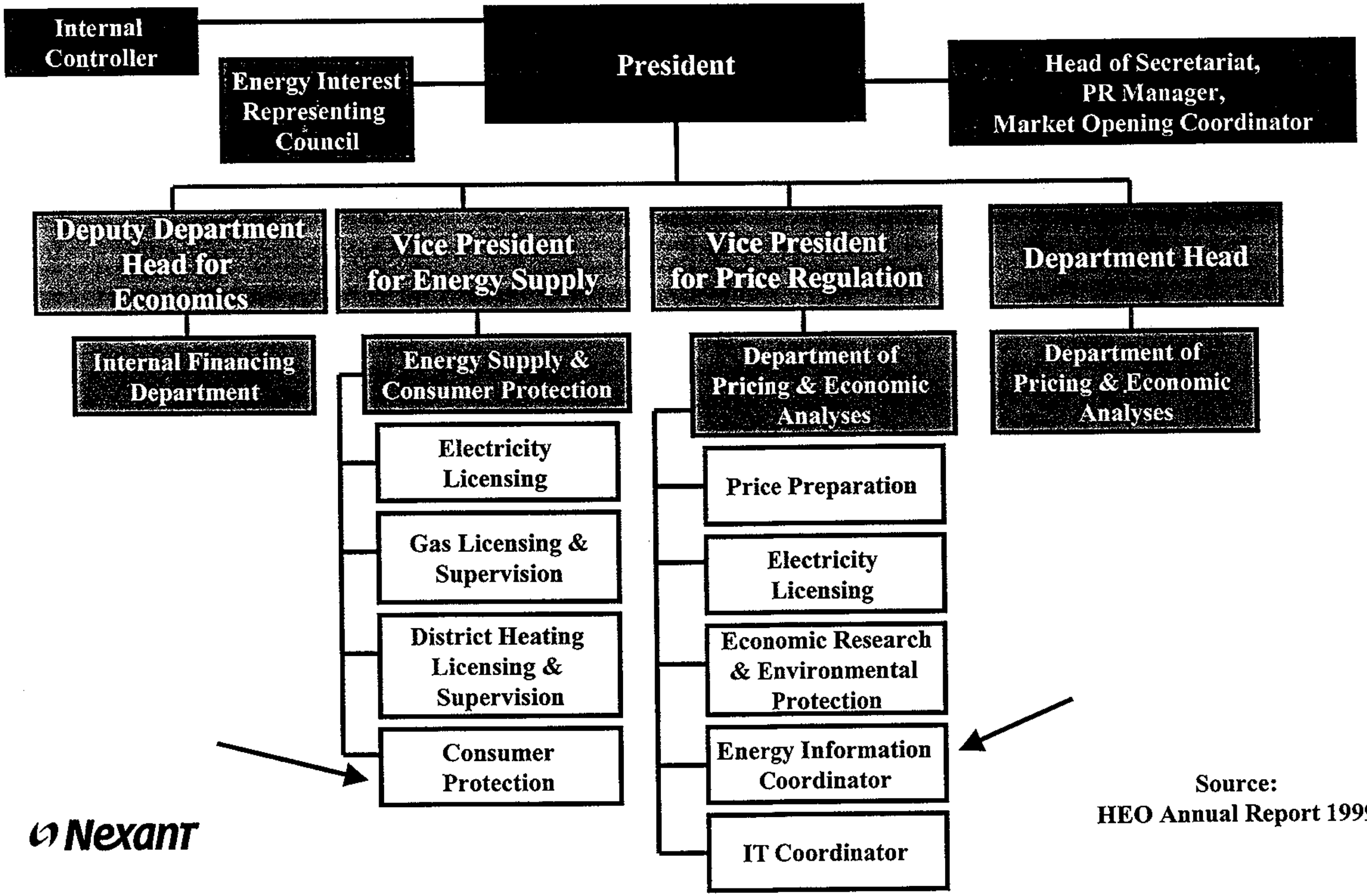
Hungarian Energy Office (Hungary)



Source:
HEO Annual Report 1999

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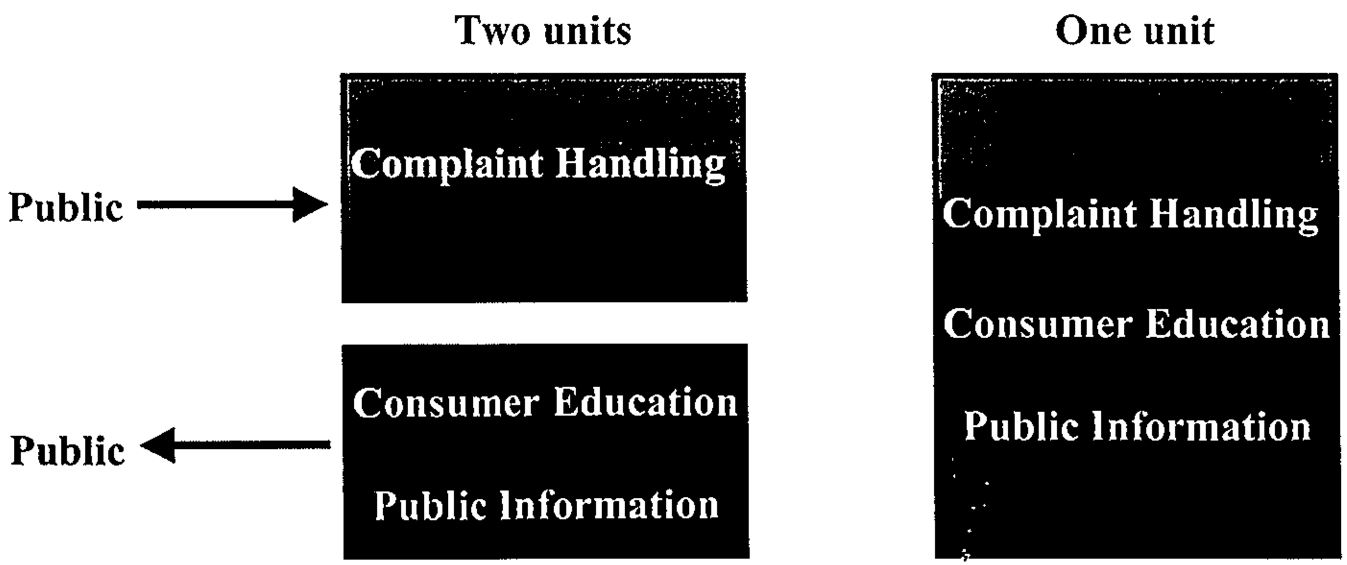
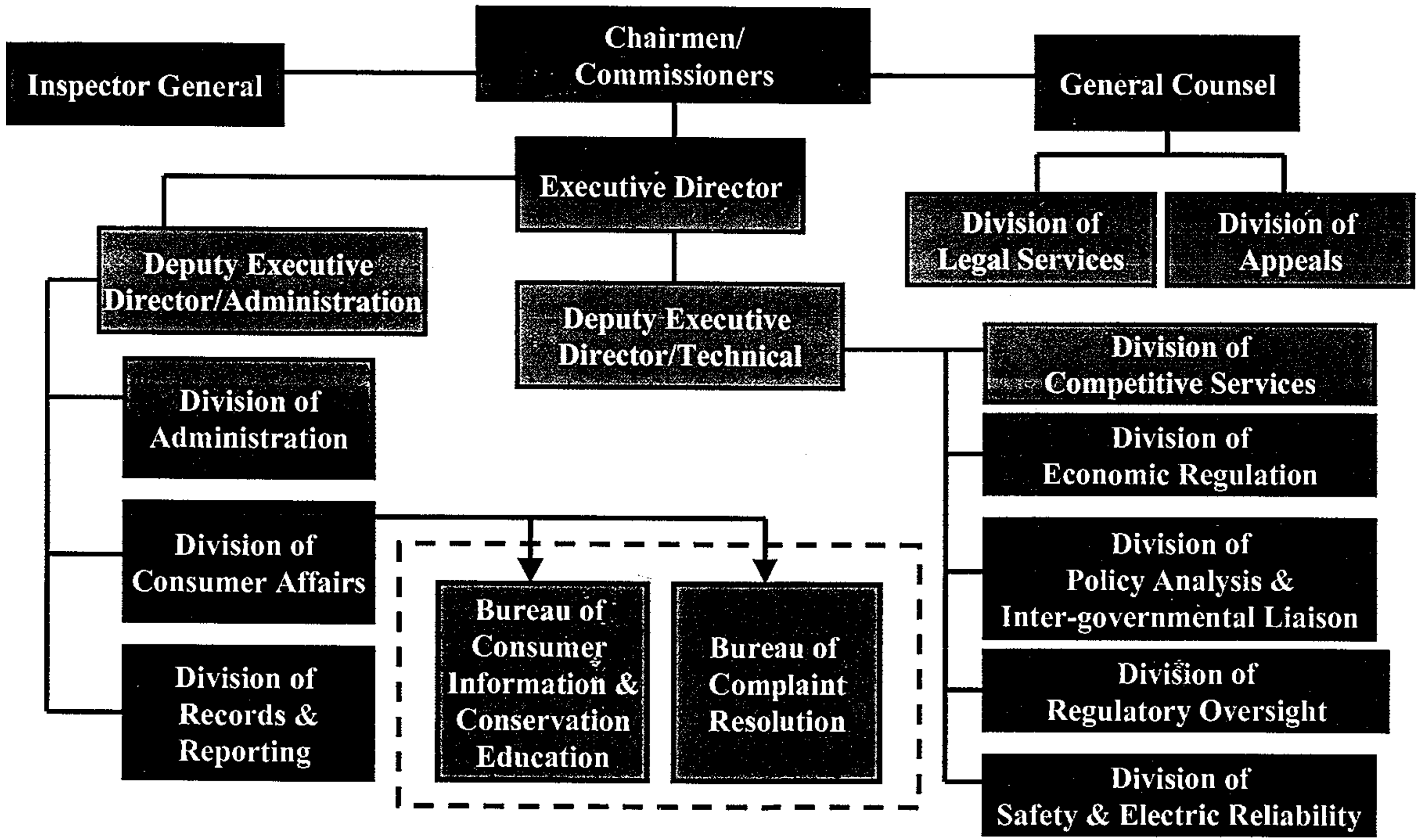
Organizational Structure

Options to structure public participation functions *within* regulatory agencies



Florida Public Service Commission (US)



Source: FPSC Annual Report 2000

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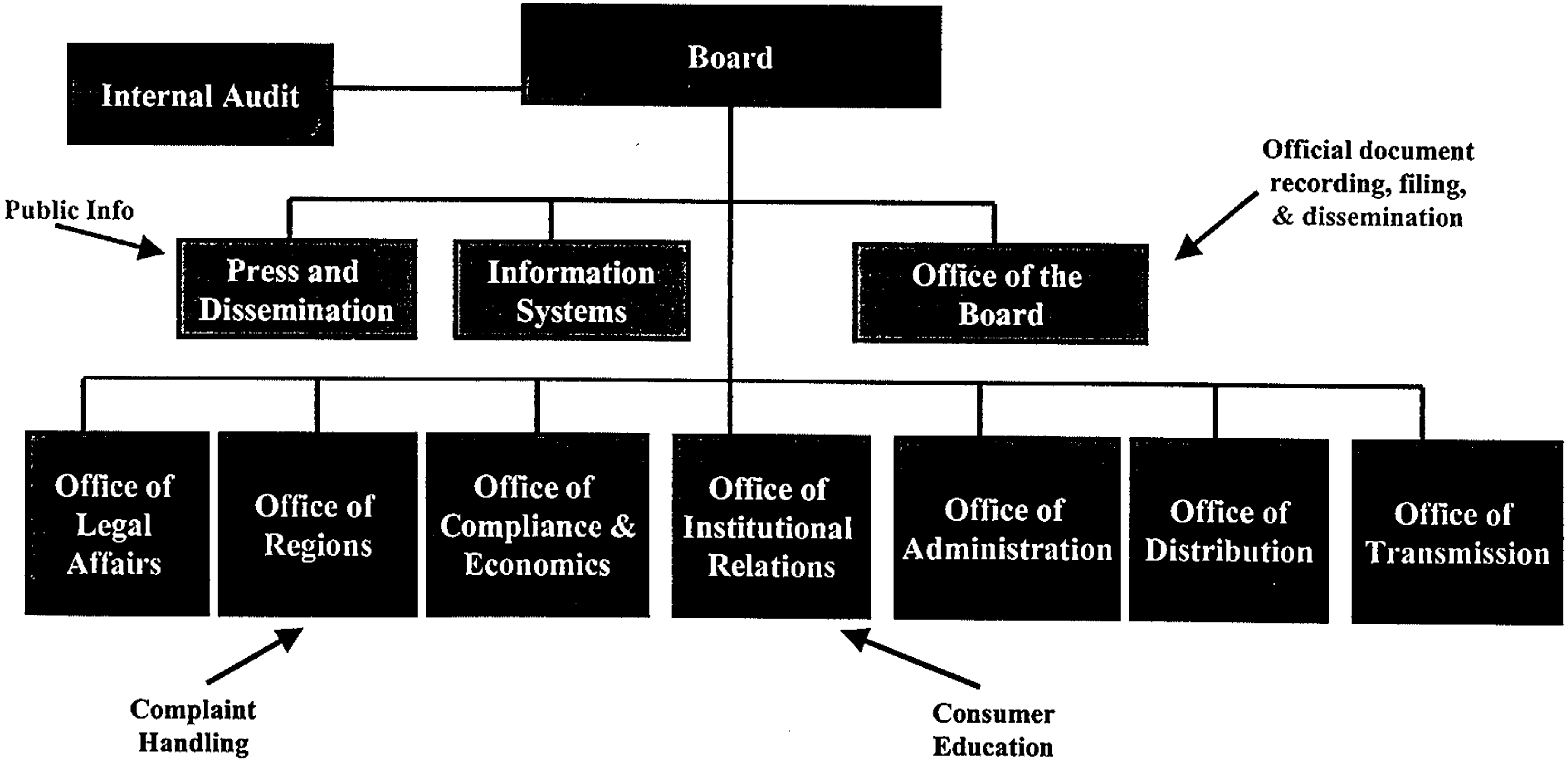
ENARGAS (Argentina)



Source: ENARGAS Annual Report 1999

Organizational Structure

Other observations

De-centralization of sub-functions

- ➢ **Public information / outreach**
  - o **Legislative affairs**
  - o **Recording & disseminating official documents**
- ➢ **Complaint Handling**
  - o **Investigations & compliance**
  - o **Policy (monitoring & evaluating utilities' customer service practices)**

- **Linkages to outside consumer councils or advisory committees**
  - ➢ **Common in Eastern & Central Europe**

Staffing

- Agencies with separate staff for public participation functions
- Small number relative to total staff (@ 10 percent)
- Majority involved in complaint handling
- Elevation of personnel, i.e., senior mgmt., directors, etc.
- Need more staff, especially for consumer education
- Changing profile of staff, i.e., more specialized

Public Participation: Products

- *Complaint Handling*
  - Bill of consumer rights
  - How to contact the Commission
  - Forms for filing complaints
  - Consumer activities reports
  - Analyses of customer service performance

Public Participation: Products

- *Consumer Education*
  - General Consumer Assistance
    - "Frequently Asked Questions" brochures or pamphlets
    - "How to…" documents (e.g, read a bill, save energy, etc)
    - Hearings/public meetings: what they are, how they work, hints for speaking, etc.
  - Topical Subjects (current important topics)
    - Restructuring
    - Tariff increases, or a company's request for a rate increase
    - New market entrants

Public Participation: Products

- ***Public Information / Outreach***
  - **Regulatory Agency Information**
    - **Mandate or Mission Statement**
    - **Enabling legislation**
    - **Agency profile (personnel, structure, budget)**
  - **Industry-Specific Information**
    - **Rate information**
    - **Sector profile (updates)**
    - **Glossary of terms**
    - **Copies of licenses & other legal documents**
  - **Official Documents**
    - **Dockets, filings, decisions, Annual Reports, hearings, etc**

Public Participation: Delivery Mechanisms

How Agencies interact with public

- Variety of tools
- Internet (websites) most common, and increasing
- News releases, fact sheets, newsletters also very common
- Other:
  - Hotlines (toll free, 24 hrs/day, automated)
  - Press conferences
  - Commissioner & staff interviews
  - Radio,TV, and news wire services
  - Brochures & Direct Mail
  - Conventions & Trade shows
  - Speeches
  - Workshops & Town Meetings
  - Weekly / monthly calendars
  - Allowing media to record events

Public Participation: Delivery Mechanisms

How regulatory agencies interact with public

- **Public hearings**
  - strict requirements that:
    - most meetings or proceedings be public
    - most documents or records be public
    - media have access to most activities of the agency

PARTICIPAREA PUBLICA IN PROCESUL DE REGLEMENTARE

Trecerea in revista a celor mai bune practici si implicarea lor la Autoritatea Nationala de Reglementare in Domeniul Gazelor Naturale din Romania (ANRGN)[1]

John P. Banks, Project Manager
Nexant, Inc,
Washington, D.C.

1. INTRODUCERE

In anul 2000, guvernul Romaniei a initiat reforma in industria gazelor naturale, caracterizata printr-o piata concurentiala pentru vanzarea en-gros pentru marii consumatori si companiiile de distributie, si o piata captiva pentru vanzarea cu amanuntul pentru consumatorii mici si mijlocii. Ca parte a acestor schimbari, Autoritatea Nationala de Reglementare in Domeniul Gazelor Naturale (ANRGN) a fost infiintata in ianuarie 2000 prin Ordonanta Guvernului nr. 41/2000. Autoritatea raspunde de acordarea licentelor, emiterea proiectelor legislative, stabileste tarifele pentru gaze naturale si urmareste respectarea regulilor concurentei in sectorul gazelor naturale.

1.1. Obiective

Acceptarea schimbarii de catre public si motivele acestei schimbari, inclusiv cresterea preturilor energiei, modul cum functioneaza piata de gaze si cum este monitorizata, sunt probleme esentiale pentru ca reforma sa reuseasca. ANRGN va conduce campania pentru aceasta acceptare si va trebui sa sprijine participarea publica in procesul de reglementare. Astfel, obiectivul principal al acestui document este de a oferi informatii privind cele mai bune practici in domeniul participarii publice in procesul de reglementare, pe care ANRGN le poate folosi ca pe materiale de referinta in crearea unei strategii pentru a comunica cu publicul.

1.2. Abordare

In aceasta sectiune, Nexant subliniaza abordarea analitica folosita pentru a conduce acest proces. Mai intai, este necesar sa se clarifice ce se intelege prin „participare publica". Nexant defineste aceasta ca pe o interactiune oficiala sau neoficiala intre agentia de reglementare si consumatorii individuali sau grupuri de consumatori.

Aceasta include orice contact initiat de agentie sau de public. Pentru indeplinrea acestui deziderat, Nexant identifica trei categorii de interactiuni publice:

1. Rezolvarea reclamatiilor
   - Crearea de proceduri si forme pentru rezolvarea reclamatiilor
   - Informarea publicului despre acest proces, in mod deosebit cum sa inregistreze reclamatiile la agentia de reglementare
   - Primirea reclamatiilor, oficial sau neoficial, de la public
   - Cercetarea si rezolvarea reclamatiilor
   - Crearea si mentinerea unei date de baze privind reclamatiile (automata, bazata pe computer)
   - Analizarea ansamblului de date privind reclamatiile
   - Introducerea rezultatelor analizelor in deciziile/schimbarile de politica si elaborarea documentelor pentru educarea consumatorilor
2. Educarea consumatorilor
   - Crearea materialelor pentru educare si informare
   - Evaluarea demografiei si caracteristicilor consumatorilor
   - Evaluarea eficientei initiativelor pentru educarea consumatorilor
3. Informatii publice
   - Informatii de la agentia de reglementare
   - Informatii specifice industriei
   - Relatii de coordonare cu mass media
   - Relatii de coordonare legislativa
   - Participarea la seminarii, prezentari comerciale, discursuri, ateliere de lucru, discutii in grup etc.
   - Inregistrarea, mentinerea si difuzarea documentelor oficiale

Nexant considera ca aceasta analiza contine activitatile principale care fac parte din relatia agentiei de reglementare cu publicul.

1.3. De ce este participarea publica importanta?

Deoarece piata gazului sufera schimbari semnificative oriunde in lume, cum ar fi separarea, cresterea preturilor, cresterea concurentei etc., exista o nevoie crescuta de a informa publicul despre transformarile care au loc in industria gazului si a sprijini consumatorii in a percepe aceste schimbari. Deoarece are loc liberalizarea pietei gazului si agentiile de reglementare au contact mai strans cu publicul, aceasta implica si o mai mare participare a publicului (cel mai adesea sub forma de reclamatii si intrebari privind schimbarile si impactul lor).

Participarea publica este importanta pentru ANRGN si pentru Romania pentru ca este o componenta esentiala a misiunii agentiei (si pentru orice agentie de reglementare) de a proteja interesele si a satisface cerintele consumatorilor. Si acest lucru este important in orice scenariu in care au loc schimbari dramatice pe piata. In plus, aceasta influenta externa crescuta a organismelor de reglementare reflecta o tendinta globala, dupa cum se arata in acest material.

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1.4. Trecerea in revista a practicilor privind participarea publica

Nexant are informatii din doua surse importante. Mai intai, am analizat o gama larga de materiale si documente privind acest subiect din surse generale, inclusiv asociatii, organizatii donatoare, articole publicate etc. A doua sursa importanta de informatii a constituit-o agentiile reprezentative din intreaga lume care ofera utilitati publice. Nexant a trecut in revista practicile de participare publica la:

- Agentii care reglementeaza sectorul gazelor naturale (gaze naturale si activitati conexe)
- Agentii care reglementeaza o piata de gaze asemnatoare cu cea din Romania (consum total, numarul de consumatori rezidentiali)
- Agentii reprezentative din diferite regiuni ale globului (SUA, Europa, America Latina, Asia)
- Atat agentii nou create cat si cele cu multi ani de experienta

Astfel, Nexant a reusit sa creeze un model de practici privind participarea publica aplicate la o serie de agentii de reglementare din intreaga lume, dar care in acelasi timp au importanta pentru ANRGN.

1.5. Evaluarea modului in care activitatile de participare publica sunt organizate si implementate

Cu privire la activitatile majore de participare publica, analiza Nexant a fost structurata pe urmatoarele probleme si intrebari:

- Tendinte generale – ce factori importanti influenteaza activitatile de participare publica si cum raspund agentiile pentru utilitati publice?
- Structura organizatorica – cum sunt activitatile organizate in cadrul agentiei?
- Personalul – cate persoane se ocupa cu aceste activitati si ce tip de personal (ce aptitudini) este necesar?
- Produse si metode de difuzare – ce tipuri de produse (sau metode) utilizeaza agentiile de reglementare a utilitatilor publice si cum ajung ele la public?

2. TENDINTE GENERALE

In intrega lume, tendinta catre cresterea sectorului privat, concurenta si liberalizarea pietelor de energie au un efect deosebit asupra consumatorilor. Acolo unde pietele erau candva nemiscate, cu preturi stabile si mici, rigid controlate, cu cativa participanti si fara concurenta, consumatorii se confrunta acum cu o mare varietate de producatori de energie si piete mult mai complexe. In majoritatea cazurilor, nivelul de intelegere si constientizare al consumatorilor privind aceste schimbari – si impactul lor asupra consumatorului mediu – poate fi limitat in mod dramatic.

Reactia publicului la schimbarile pietei de energie au influenta directa asupra agentiilor de reglementare a utilitatilor publice din intreaga lume. De exemplu, in SUA, un studiu recent a aratat ca comisiile de stat pentru utilitati publice (PUC) au remarcat o

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crestere cu 28% a contactului cu consumatorii in perioada 1993-1997. In acelasi cadru, PUC a observat o crestere cu 40% a reclamatiilor referitoare la gaze naturale[2].

Raspunsul agentiilor de reglementare a utilitatilor publice a fost prompt: o accentuare a rolului participarii publice si o concentrare externa mai mare. In multe tari, s-a reexaminat importanta rolului educatiei, in mod deosebit privind nevoia de a informa publicul despre schimbarile care au loc in industria specifica (sau care se discuta intre factorii politici de decizie si reprezentantii industriei), si impactul probabil asupra consumatorilor. Problemele specifice sunt cresterea tarifelor, restructurarea (separarea companiilor existente si/sau noi participanti pe piata), si introducerea unor noi relatii comerciale.

In SUA, o tendinta de luat in seama este aceea ca personalul de la PUC care raspunde de activitatile participarii publice devine mai implicat in crearea de politici. Pe masura ce consumatorii intra in contact mai strans cu PUC, personalul devine mai constient de problemele publicului larg. Aceasta constientizare poate fi facuta cunoscuta personalului din agentie care raspunde de dezvoltarea schimbarilor de politica, sau personalului din organismele legislative.

O tendinta majora care apare in agentiile de reglementare din intreaga lume este utilizarea crescanda a tehnologiei informatiei si automatizarii, in special a internet-ului.Toate agentiile de reglementare pe care le-a studiat Nexant au pagini web si se bazeaza din plin pe acest mecanism pentru a comunica cu publicul. Agentiile depind de asemenea din ce in ce mai mult de o diversitate de software si baze de date, cum ar fi programele de urmarire a reclamatiilor. In activitatea de rezolvare a reclamatiilor, numerele de telefon netaxabile sunt ceva obisnuit, precum si formularele pe pagini web pentru a completa o reclamatie.

Toate aceste tendinte generale influenteaza structura si personalul din cadrul agentiilor de reglementare a utilitatilor publice. Aceste probleme vor fi discutate separat in sectiunile urmatoare.

3. STRUCTURA ORGANIZATORICA

In proiectarea unei structuri interne, institutiile de reglementare trebuie sa se concentreze asupra modului de organizare a activitatilor lor importante. Unde exista diferite activitati, se poate lua in considerare importanta fiecareia. Activitatile pot fi concentrate intr-un departament al agentiei (nivelul intai), sau structurate ca directii sau servicii (al doilea sau al treilea nivel) dintr-un departament. Dar aceasta poate afecta nivelul resurselor si personalului care lucreraza in cadrul acestor activitati (discutie in sectiunea 4).

Toate agentiile de reglementare au unitati sau departamente distincte destinate activitatilor participarii publice, iar aceste activitati sunt in general la unitati de prim nivel. Aceasta dovedeste ca aceste activitati sunt privite ca fiind de importanta egala cu celelalte activitati din cadrul agentiei. Pe masura ce consumatorii sunt din ce in ce mai afectati de schimbarile dramatice din sectorul energetic, iar contactul dintre public si agentiile de reglementare creste, agentiile de reglementare in cadrul carora activitatile de participare publica ocupau al doilea sau al treilea nivel, le-au adus recent intr-o pozitie superioara in cadrul organizatiei. Figurile 1 si 2 prezinta doua abordari in ceea ce priveste localizarea participarii publice in agentia de reglementare.

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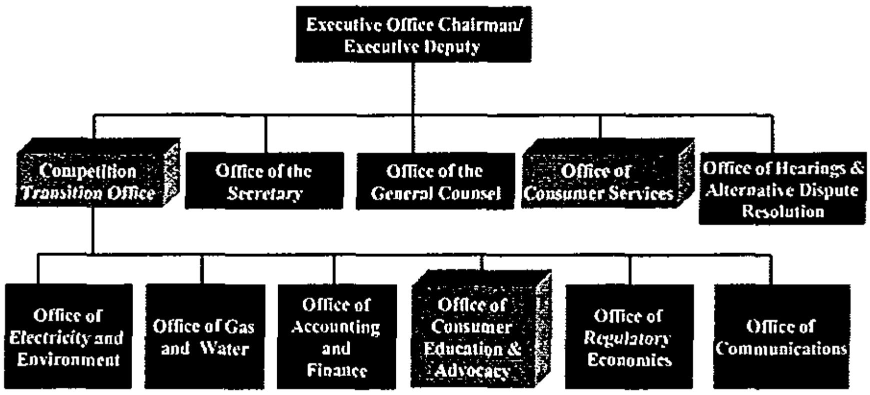
Exhibit 1

New York State Public Service Commission



Source: NYSPSC Annual Report 1998-1999

Figura 1 prezinta un exemplu de agentie de reglementare care a asezat activitatile de participare publica in randul intai al departamentelor: Oficiul Servicii pentru Consumatori si Oficiul pentru Educarea Consumatorilor si Consiliere. Cel din urma, impreuna cu Oficiul Concurentei in Tranzitie, au fost create in 1999 pentru a adapta schimbarile care au loc la utilitatile din statul New York. Noul Oficiu pentru Educarea Consumatorilor si Consiliere „se va concentra pe problemele de orientare a consumatorului catre concurenta, inclusiv informarea si educarea, supunerea, calitatea serviciului si consiliere de afaceri si rezidentiala". Oficiul Servicii pentru Consumatori „va continua sa ofere asistenta directa si la timp in problemele ridicate de reclamatii in problemele utilitatilor."[3]

Figura 2 prezinta structura unei agentii de reglementare unde activitatile privind participarea publica sunt localizate la al doilea si al treilea nivel. In cadrul Oficiului pentru Energie din Ungaria, entitatea pentru Protectia Consumatorului este una dintre sectiunile coordonate de Vicepresedintele pentru Alimentarea cu Energie, iar Coordonatorul pentru Informatia Energiei este plasat sub Departamentul de Analiza Economice si Preturi.

Dincolo de intrebarea la ce nivel este plasata activitatea de participarea publica, exista cateva metode de a structura aceste activitati *in cadrul* unor departamente sau unitati specifice. In general exista doua alternative: cele trei activitati principale pot fi combinate intr-o singura entitate, sau pot fi in departamente separate (vezi fig. 3 si 4 ca exemple pentru fiecare). Exista avantaje si dezavantaje pentru fiecare abordare, dupa cum se arata in Tabelul 1.

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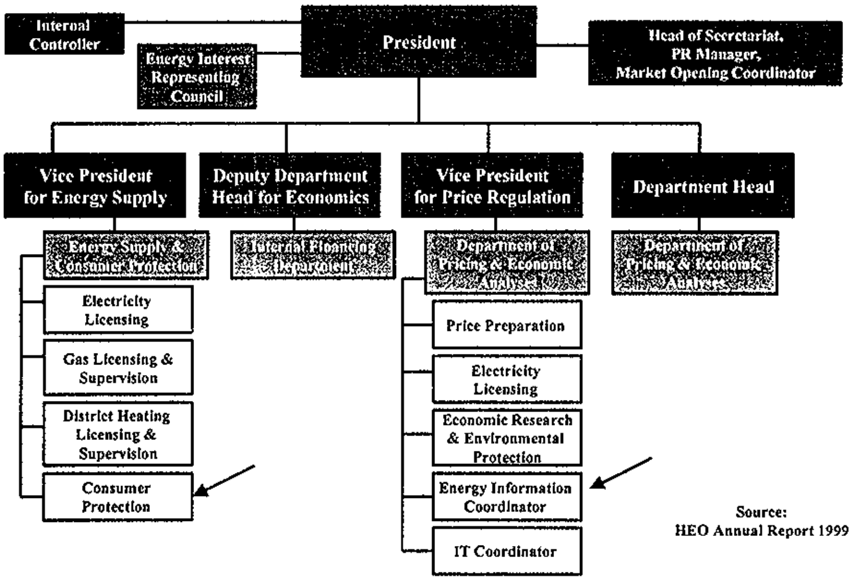
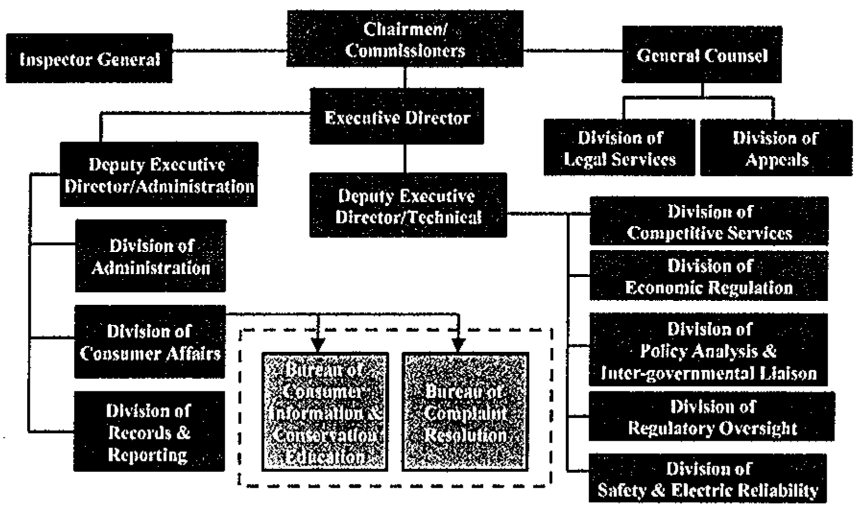
Exhibit 2:
Hungarian Energy Office (Hungary)



Source:
HEO Annual Report 1999

Exhibit 3:
Florida Public Service Commission (US)



Source: FPSC Annual Report 2000

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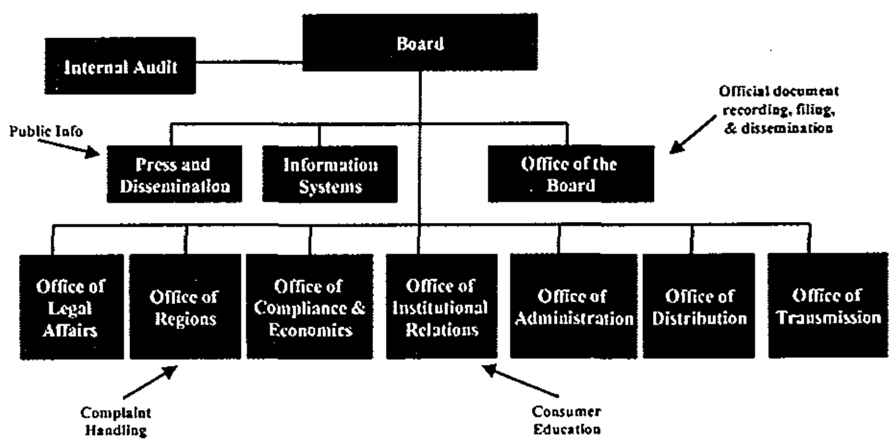
Figura 3 prezinta un exemplu de agentie de reglementare in care activitatile de participare publica sunt localizate intr-un singur departament – Directia pentru Afacerile Consumatorilor. Figura 4 prezinta ENARGAS – agentia de reglementare din Argentina – unde activitatile de participare publica sunt impartite in cateva departamente din agentie.

Atunci cand activitatile de participare publica sunt descentralizate, rezolvarea reclamatiilor apartine de o entitate separata, iar educatia consumatorului si informatiile publice sunt impreuna. Aceasta reflecta o separare de activitatea initiala – rezolvarea reclamatiilor – unde contactul dorit porneste de la public, opus activitatilor suplimentare – educatia consumatorului si informatia publica – unde contactul are loc la initiativa agentiei de reglementare.

In unele agentii de reglementare, in mod deosebit in SUA, anumite activitati pot fi chiar si mai descentralizate. De exemplu, activitatile de difuzare a informatilor implica probleme legislative si inregistrarea, mentinerea si difuzarea documentelor oficiale. Deoarece acestea sunt activitati specifice, ele sunt deseori separate, aflandu-se la primul nivel. In plus, referitor la documentatia oficiala, cum ar fi deciziile agentiei, fise, formulare etc., exista prevederi legale care acorda prioritate acestei activitati.

Exhibit 4:

ENARGAS (Argentina)



Source: ENARGAS Annual Report 1999

Un alt exemplu de structura descentralizata este stabilirea unor unitati separate pentru activitatile strans legate cu cea de rezolvare a reclamatiilor: (a) cercetarea si conformitatea cu legislatia; (b) politica sau urmarirea si evaluarea serviciilor si programelor reglementate din domeniul utilitatilor pentru consumatori.

O alta tendinta structurala observata in multe agentii de reglementare are legatura cu consiliile consumatorilor sau comitetele consultative care servesc drept organisme consultative externe, reprezentand consumatorii. Multe dintre agentiile de reglementare nou formate din Europa Centrala si de Est au aceste relatii. De exemplu, Consiliul de Reglementare pentru Energie din Letonia lucreaza impreuna cu Comitetul Consumatorilor de Energie, stabilit de guvern. Comitetul coordoneaza interactiunea dintre Consiliu si consumatorii de energie. Are sapte reprezentanti ai organizatiilor publice si este condus de un reprezentant al Consiliului.

In putine cazuri, agentiile de reglementare nu rezolva reclamatiile. Consumatorii contacteaza direct o alta entitate responsabila, care este o veriga de legatura intre companii si publicul larg. Acest cadru structural exista in Marea Britanie – unde Energywatch lucreaza cu reclamatiile clientilor ca organizatie independenta, in locul reglementatorului (Ofgem)[4] – si in statul australian Victoria. In Victoria, reclamatiile sunt indrumate catre alta agentie de stat, Office of Fair Trading&Business Affairs[5]. Acest aranjament poate fi utilizat pentru mai multe motive: pentru a oferi o mai buna rezolvare a reclamatiilor si activitatii de asistare a consumatorilor prin plasarea sa intr-o organizatie complet separata; sau pur si simplu pentru a sprijini organizatiile din afara agentiei.

Tabel 1
OPTIUNI STRUCTURALE
PENTRU ACTIVITATILE PARTICIPARII PUBLICE
IN AGENTIILE DE REGLEMENTARE

Centralizate intr-o singura unitate	**Descentralizate in unitati separate**
<u>Avantaje</u> • Imbunatatirea coordonarii activitatilor	<u>Avantaje</u> • Activitatile sunt raspandite in toata agentia • Fiecare activitate este privita individual
<u>Dezavantaje</u> • Poate izola activitatea de participare publica intr-o zona a agentiei • Unele activitati pot fi puse in umbra de altele	<u>Dezavantaje</u> • Poate limita coordonarea activitatilor

Sursa: "*Staffing the Consumer Education Function: Organizational Innovation, Necessary Skills, and Recommendations for Commissions,*" National Regulatory Research Institute, Martie 1998.

4. PERSONALUL

Toate agentiile de reglementare studiate de Nexant in acest scop au personal special care se ocupa cu activitatile de participare publica. In general, numarul de persoane este relativ mic fata de totalul personalului, in SUA in general fiind in PUC cam 10%. In plus, majoritatea personalului este implicata mai mult in rezolvarea reclamatiilor si mai putin in educarea consumatorilor si informatiile publice.De ex., la Comisia pentru Utilitati Publice (PUC) din SUA, exista 75 de persoane care lucreaza in principalele trei activitati de participare publica: 65 in rezolvarea reclamatiilor si activitati conexe, si 10 in activitatea de educare a consumatorilorsi informatii publice[7].

In aceeasi masura cu activitatea de ridicare a activitatii de participare publica la departamentele de prim nivel, agentiile de reglementare ridica si nivelul perosnalului aferent acestor activitati. Personalul din conducerea superioara sau directorii raspund de aceste activitati.

Ca urmare a schimbarilor din industria energetica si cresterea interesului si participarii consumatorilor in procesul de reglementare, majoritatea agentiilor au nevoie de personal mai numeros pentru activitatile de participare publica. Dar majoritatea sunt confruntate cu probleme financiare care le limiteaza actiunile de sporire a personalului. Multe folosesc pe scara mai larga a combinatie de noi abordari, cum ar fi: angajati cu jumatate de norma sau voluntari care sa primeasca reclamatiile sau intrebarile consumatorilor; folosirea consultantilor din afara pentru a crea materiale pentru educarea consumatorilor; introducerea sistemelor automate pentru reclamatii, cum sunt apelurile telefonice netaxabile 24 ore/zi si datele de baze pentru reclamatii; instruirea personalului existent in agentie pentru a putea lua parte la activitatile de participare publica. In sfarsit, dupa cum s-a aratat in sectiunea 3, exista exemple de cadre de reglementare unde activitatile de rezolvare a reclamatiilor si asistare a consumatorilor sunt conduse din afara de un grup al consumatorilor si nu de organismul de reglementare. Un motiv pentru acesta poate fi economia de personal si resurse financiare pentru acesta activitate.

Si profilul personalului care lucreaza in activitatile de participare publica se schimba. Mai multe contacte cu consumatorii necesita o adaptare a aptitudinilor si un nivel ridicat al specializarii. In particular, tendintele catre o mai buna educare a consumatorilor, aplicarea politicii, informarea publica si analizarea comportarii/reclamatiilor consumatorilor, au condus la nevoia ca personalul sa aiba cunostinte mai profunde privind[8]:

- Planificarea strategica
- Comunicare
- Stabilirea necesitatilor, dezvoltarea instruirii
- Comportarea consumatorilor
- Mass media
- Evaluarea programului
- Analiza politicii

Agentiile de reglementare devin organizatii de informare si comunicare, in care fiecare membru al personalului, inclusiv comisarii, au responsabilitati in ceea ce priveste activitatea de participare publica.

5. PARTICIPAREA PUBLICA: PRODUSE

In acesta sectiune, Nexant ofera un rezumat al tipurilor de produse pe care agentiile de reglementare a utilitatilor publice le pun la dispozitia consumatorilor. In sectiunea urmatoare, subliniem metodele prin care aceste materiale sunt disponibile sau oferite publicului.

5.1. Rezolvarea reclamatiilor

Majoritatea agentiilor de reglementare arata ca principala lor activitate in domeniul participarii publice este rezolvarea reclamatiilor. Pentru a rezolva aceasta problema, majoritatea ofera materiale si informatii consumatorilor pentru a usura contactul. Aceasta include:

1. *Declaratia drepturilor consumatorilor* – stabilirea rolului si drepturilor consumatorilor fata de companii

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2. *Cum poate fi contactata Comisia* – majoritatea contactelor de la consumatori sunt prin telefon, desi internetul castiga rapid teren (folosind pagina web a agentiei)
3. *Formulare pentru reclamatii* (formale si informale) – agentiile ofera deseori formulare standard pentru a fi completate de consumatori si inaintate agentiilor.
4. *Rapoarte despre activitatile privind consumatorii* – agentiile ofera de asemenea o lista a reclamatiilor primite, dupa tipul reclamatiei.
5. *Analize ale performantelor serviciilor privind consumatorii* (periodice) – multe agentii, chiar si in rapoartele lor anuale, vor oferi informatii referitoare la modul in care s-au rezolvat reclamatiile (dupa timpul de raspuns si rezolvare)

5.2. Educarea consumatorilor

Toate agentiile de reglementare studiate de Nexant ofera materiale pentru educarea consumatorilor. Acestea pot fi impartite in doua categorii principale:

1. *Asistenta generala pentru consumator* – de obicei acestea sunt informatii care se adreseaza publicului larg si includ:
   - Brosuri si pliante cu „Cele mai frecvente intrebari"
   - Documente „Cum sa..." (de ex. cum sa citesti o factura, sa economisesti energia, sa contactezi o utilitate etc.)
   - Audiente sau intalniri publice: informatii despre ce sunt, cum functioneaza, teme de discutie etc.

2. *Subiecte importante* – agentiile ofera din ce in ce mai multe materiale care se refera la un subiect de importanta imediata sau iminenta. Aceasta poate include detalii privind tematica si posibilul impact asupra consumatorilor. Exemple:
   - Restructurarea - schimbari planificate sau recente in structura industriei
   - Cresterea tarifelor, sau cererea companiilor pentru o crestere a ratei
   - Nou venitii pe piata

5.3. Informatiile publice

Documentele din aceasta categorie reflecta incercarile agentiei de reglementare de a oferi publicului mai multe date tehnice si informatii despre procesul de reglementare.

1. *Informatii privind agentia de reglementare* - toate agentiile ofera informatii (deseori prin Raportul anual) despre:
   - Declaratia misiunii – „cine suntem si ce facem"
   - Legislatia din domeniu – mandatul legal al agentiei
   - Personalul (profilul comisarilor si personalului)
   - Organizarea (organigrama, explicatie pentru fiecare sector)
   - Bugetul
   - „Contacte, ce este nou"

2. *Informatii specifice industriei* – aceasta categorie include date specifice unei anumite industrii energetice, inclusiv:
   - Informatii economice – tarifele in vigoare pentru gazele naturale, cum se calculeaza si cresterile recente
   - Profil de sector (statistic) – informatii generale despre productie, consum, transport si distributie, inmagazinare, import/export etc.
   - Definitii de termeni
   - Aduceri la zi a datelor din sector (periodic)
   - Copii dupa licente si alte documente legale
   - Codurile serviciilor consumatorilor, reguli, reglementari
3. *Documente oficiale* – sunt documente legale, oficiale, emise de agentie in cadrul activitatii sale, care se refera la pregatire, inregistrare si difuzare catre public, incluzand:
   - Fise si formulare
   - Decizii
   - Reactualizarea activitatilor agentiei (sectorial, lunar, trimestrial)
   - Raporturile anuale ale agentiei
   - Audiente sau intalniri publice: anunturi, rezumate, ordine de zi etc.

6. PARTICIPAREA PUBLICA: METODE DE DIFUZARE

Aceasta sectiune raspunde la intrebarea *cum* interactioneaza agentia de reglementare cu consumatorul. De obicei, agentiile de reglementare folosesc o multitudine de metode. Mai nou, cea mai obisnuita este internet si pagina web a agentiei. Cele mai avansate agentii de reglementare ofera toate informatiile, prezentate in sectiunea 5, pe paginile lor de web pentru a facilita accesul publicului. Alte metode de difuzare sunt conferintele de presa, darile de seama, buletinele informative, brosurile etc. Convorbirile telefonice raman intotdeauna metodele principale de contact cu publicul si, dupa cum s-a aratat, majoritatea agentiilor de reglementare au numere de telefon netaxabile pentru rezolvarea reclamatiilor si intrebarilor. In cele ce urmeaza sunt prezentate cele mai obisnuite solutii de contact.

- Pagina web
- Convorbirile telefonice (netaxabile, 24 ore/zi, automate) – in SUA pentru departamentul reclamatii
- Buletine informative
- Conferinte de presa
- Interviuri cu comisarii si personalul
- Buletinele de stiri radio
- Radio&TV
- Brosuri
- Conventii
- Prezentari comerciale
- Discursuri
- Ateliere de lucru
- Intalniri
- Posta

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- Intalniri saptamanale/lunare
- Permiterea mass media sa prezinte evenimentele

Desigur ca si audientele sunt dintre cele mai importante forumuri pentru ca agentia de reglementare sa poata contacta publicul. Acestea sunt deseori guvernate de cerinte rigide si impuneri pentru toti participantii. De ex. in SUA majoritatea statelor au reglementatri pentru[9]:

- Cerinta ca:
  - Majoritatea intalnirilor sa fie publice
  - Majoritatea documentelor sa fie publice
- Cerinta ca intalnirile sa fie publice pentru ca:
  - Sa fie prezentate dovezi
  - Sa se asculte argumentele
  - Sa se ia o pozitie oficiala
  - Sa se stabileasca o politica
- Cerinta ca rapoartele publice sa fie accesibile publicului, inclusiv:
  - Minute si rapoarte privind intalnirile publice
  - Rapoartele finale ale personalului
  - Recomandari formale ale personalului
  - Decizii privind tarifele utilitatilor

Metodele de difuzare pe care le foloseste o agentie de reglementare depind de numarul si tipul personalului disponibil, precum si de resursele financiare de care agentia dispune.

Traducerea si adaptarea Doina Badea (ANRGN)
Septembrie 2001

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[1] Acest document a fost intocmit de Nexant, Inc. in cadrul unui program de consultanta tehnica si manageriala finantat de USAID

[2] Datele din acest paragraf sunt din "*Summary of Consumer Services/Affairs Office Survey*," de Lisa Colosimo si Craig Smith, Public Utilities Commission –Ohio. Aparut in Compendium of Resources on Consumer Education, National Regulatory Research Institute, Iulie 1998.

[3] Sursa: NYSPSC Annual Report 1998-1999.

[4] Sursa: Website for the Office of Gas and Electricity Markets (Ofgem).

[5] Sursa: *Fact Sheet No. 7, Complaints Handling and Dispute Resolution*, Office of the Regulator General.

[6] Bazat pe date din *Profiles of Regulatory Agencies in the US and Canada: Yearbook 1995-1996*, National Association of Regulatory Utility Commissioners.

[7] Date din "*Organization Manual*," Pennsylvania Public Utility Commission, 24 Mai 2000.

[8] Din "*Staffing the Consumer Education Function: Organizational Innovation, Necessary Skills, and Recommendations for Commissions*," National Regulatory Research Institute, Martie 1998.

[9] Sursa: *Profiles of Regulatory Agencies in the US and Canada: Yearbook 1995-1996*, National Association of Regulatory Utility Commissioners.

Participarea publica in procesul de reglementare:

Trecerea in revista a celor mai bune practici internationale si influenta lor asupra ANRGN

Prezentat de John P. Banks

USAID

Nexant

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Obiective

- **Oferirea de informatii privind cele mai bune practici in domeniul participarii publice in procesul de reglementare, pe care ANRGN le poate folosi ca pe materiale de referinta in crearea unei strategii pentru a comunica cu publicul**

Abordare

Trei etape

Ce este "participarea publica"?

De ce este importanta participarea publica

Cum este abordata in alte parti?

Nexant

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Abordare

- *Ce este participarea publica?*
  - Rezolvarea reclamatiilor
  - Educarea consumatorilor
  - Informatiile publice

Abordare

- *De ce este importanta participarea publica?*
  - ➢ Responsabilitatea cea mai importanta a unei agentii de reglementare: protejarea si satisfacerea intereselor consumatorilor
  - ➢ De o importanta deosebita in perioadele de transformare radicala a pietei si industriei

Abordare

- *Cum este participarea publica abordata in alte parti ?*

Nexant a studiat agentiile de reglementare:

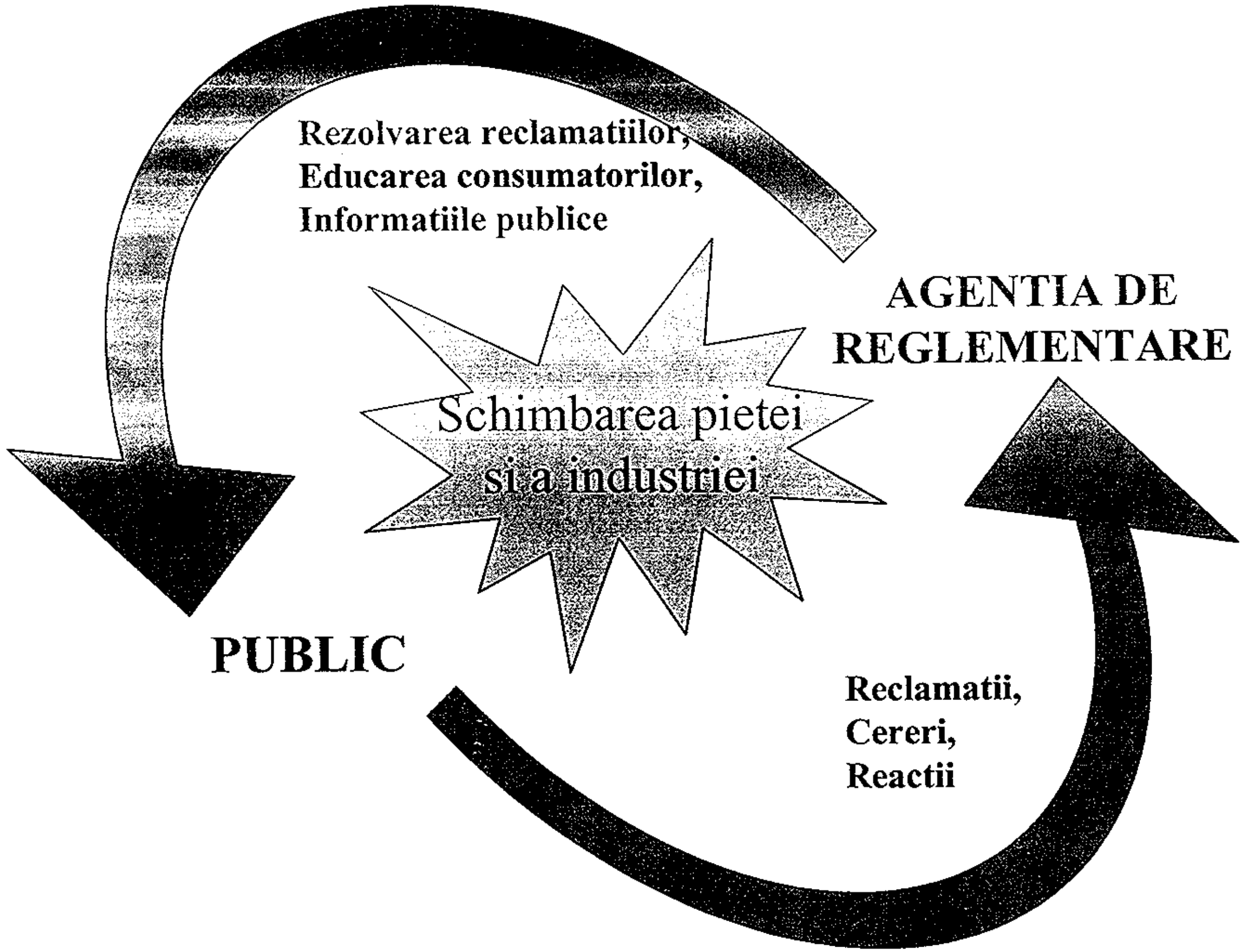
- Reglementarea sectorului gazier (gaze naturale si conexe)
- Reglementarea pietei gazului asemanatoare cu cea din Romania (numarul de consumatori rezidentiali, consumul total)
- **Exponenti din diverse zone ale globului (SUA, Europa, America Latina si Asia)**
- **Agentii nou create sau cu experienta indelungata**

Analiza

- *Cum sunt functiile participarii publice organizate si aplicate?*
  - Tendinte generale
  - Structura organizatorica
  - Personal
  - Produse si metode de difuzare

Tendinte generale:

INTERACTIUNEA DINTRE AGENTIA DE REGLEMENTARE SI PUBLIC



Tendinte generale

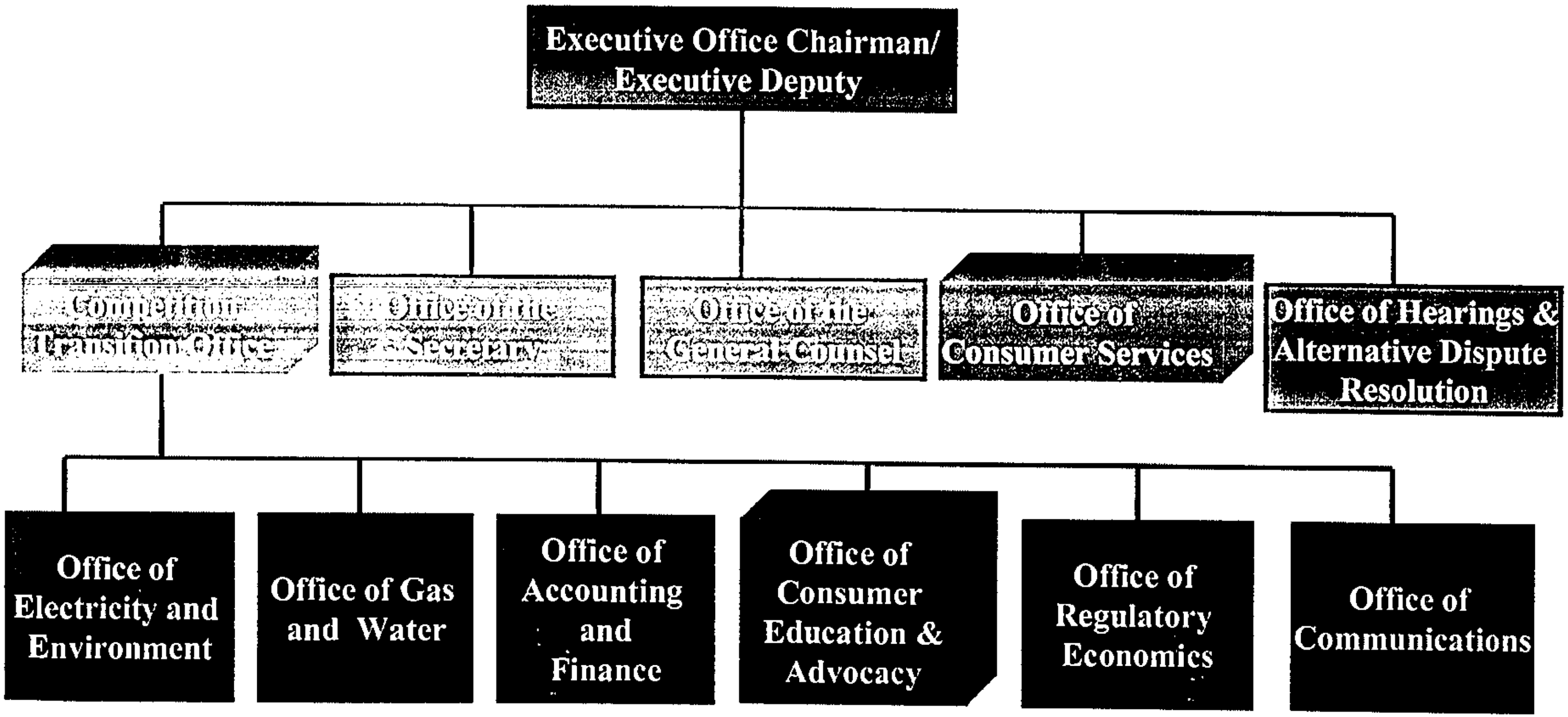
- ***Schimbarea pietelor actioneaza asupra consumatorilor***
  - in SUA, o crestere cu 28% a contactelor PCUcu consumatorii intre1993-1997
  - In aceeasi perioada, cresc reclamatiile privind gazul natural cu 40%
- ***Agentiile de reglementare raspund prin***
  - **Un accent mai mare pe participarea publica**
  - **Educatie speciala a consumatorului si probleme specifice industriei**
  - **O influenta sporita a procesului politic si legislativ**
  - **Utilizare sporita a tehnologiei informatiei si automatizarii**

Structura organizatorica

- Toate agentiile de reglementare au servicii sau departamente distincte pentru activitatea de participare publica

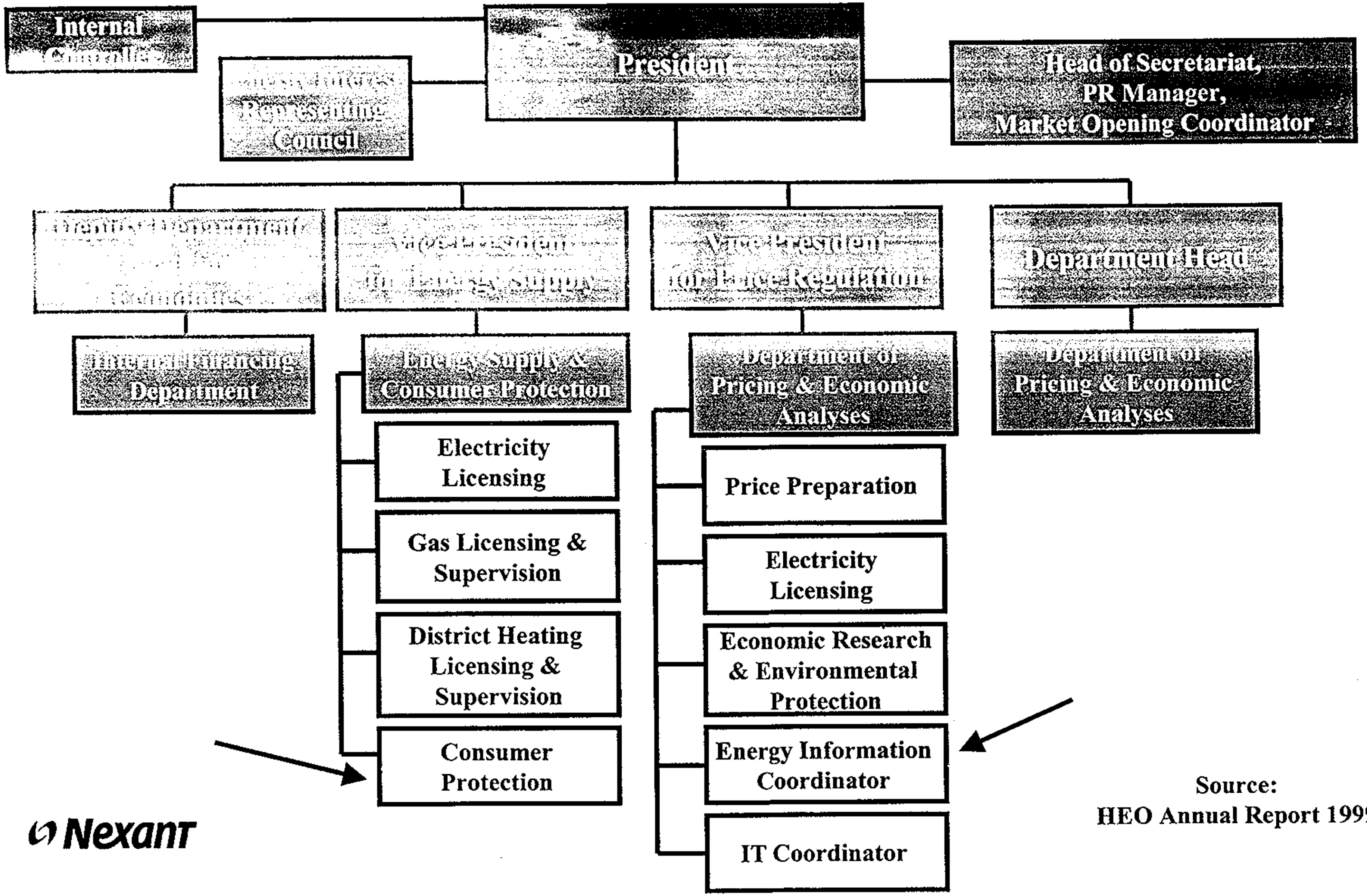
- Tendinta este de a plasa aceste activitati in prim plan

Comisia de serviciu public a statului New York (SUA)



Source: NYSPSC Annual Report 1998-1999

Oficiul Energiei din Ungaria

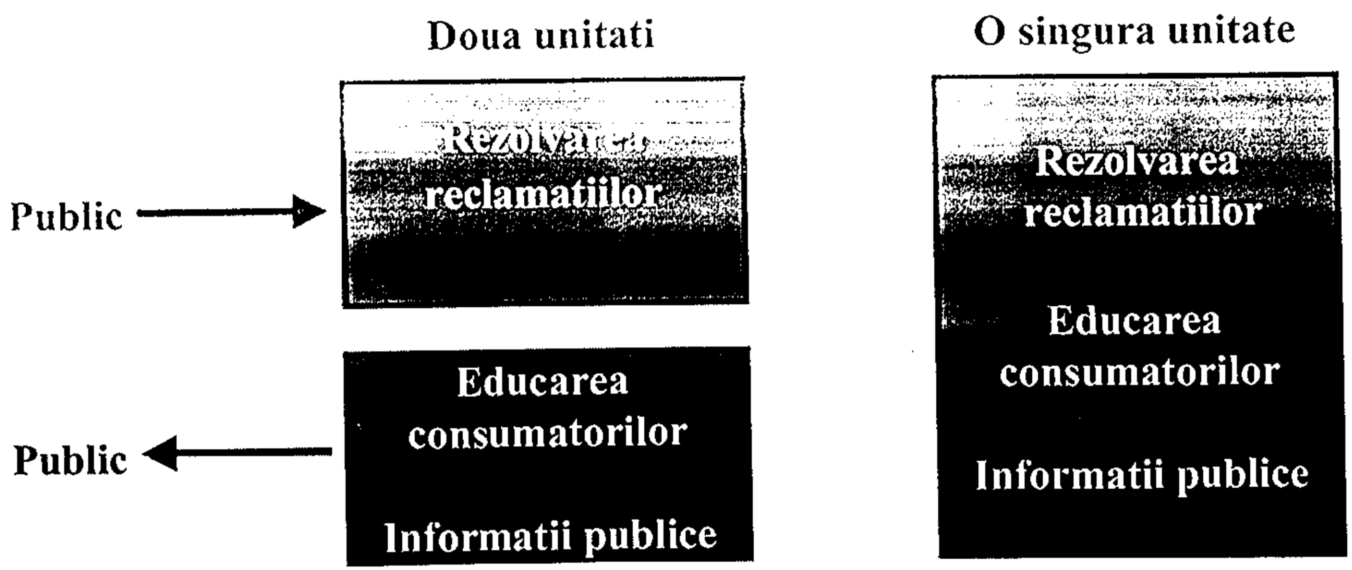


Source:
HEO Annual Report 1999

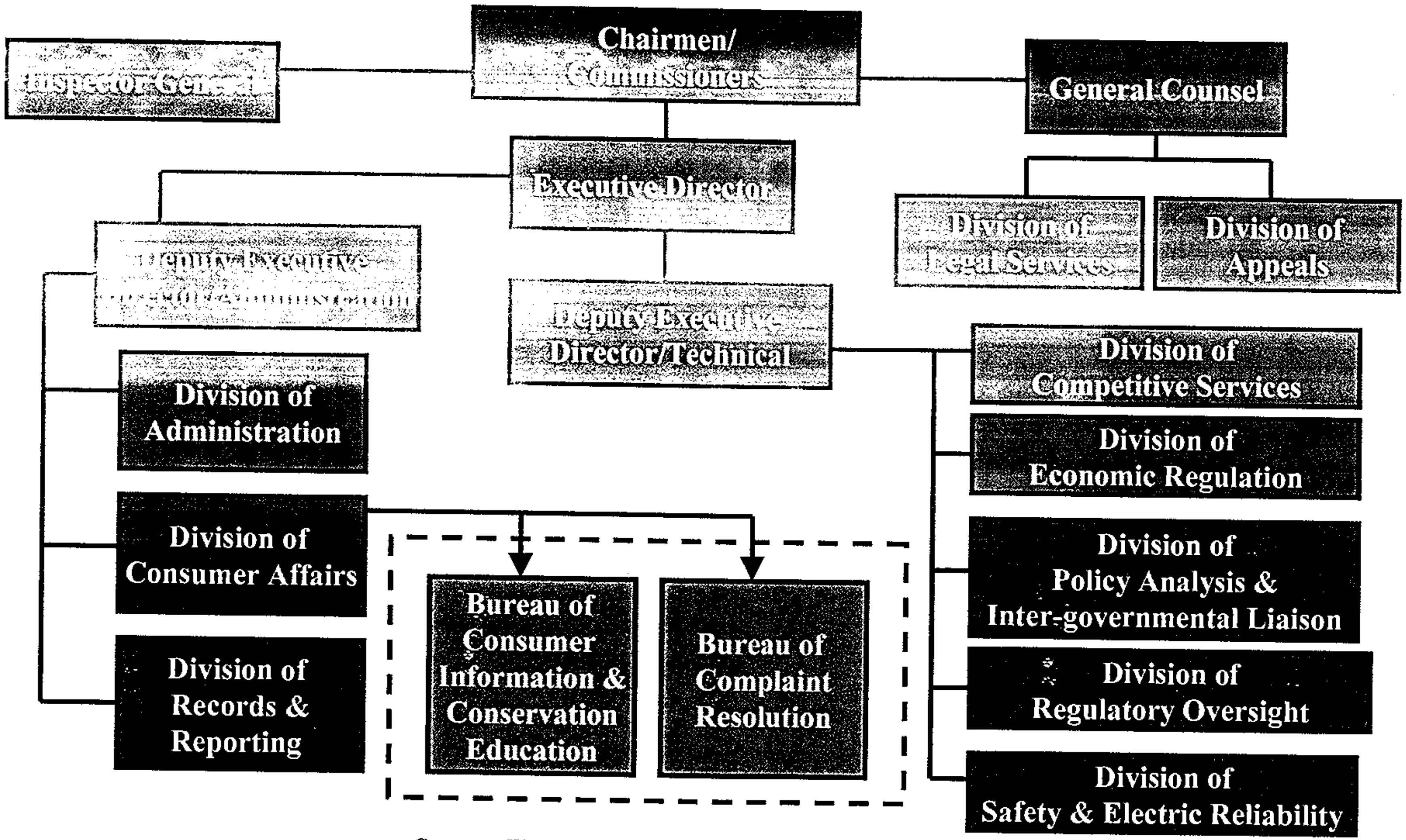
Nexant

Structura organizatorica

Posibilitati de structurare a functiilor participarii publice *in cadrul* agentiilor de reglementare

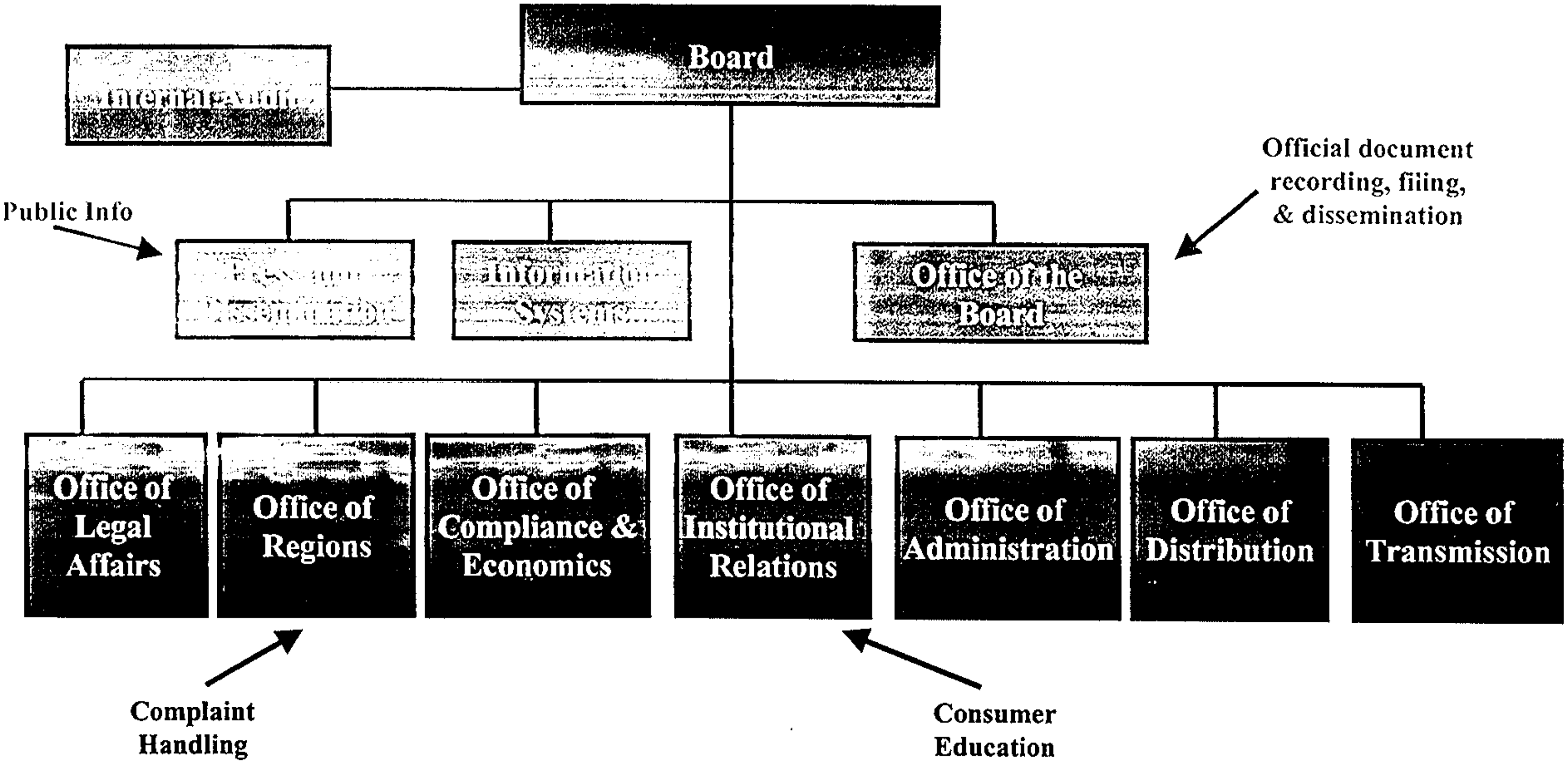


Comisia serviciului public in Florida (SUA)



Source: FPSC Annual Report 2000

ENARGAS (Argentina)



Source: ENARGAS Annual Report 1999

Structura organizatorica

Alte observatii

Descentralizarea subfunctiilor

- Informatiile publice
  - Probleme legislative
  - Inregistrarea si difuzarea documentelor oficiale
- Rezolvarea reclamatiilor
  - Cercetari si conformizare
  - Politica (urmarirea si evaluarea practicilor serviciilor pentru consumatori aferente utilitatilor)

- **Legaturile cu consiile consumatorilor sau comitetele consultative din afara**
  - **Comune in Europa Centrala si de Est**

Personalul

- Agentii cu personal separat pentru activitatea de participare publica
- Numar mic in comparartie cu personalul total (cca. 10%)
- Majoritatea implicata in rezolvarea reclamatiilor
- Personal de cea mai inalta categorie, de ex. directori
- Nevoia de personal mai numeros, in special pentru educarea consumatorilor
- Schimbarea profilului personalului, cum ar fi prin specializare

Participarea publica: produse

- *Rezolvarea reclamatiilor*
  - ➢ Declaratia drepturilor consumatorului
  - ➢ Cum sa contactezi comisia
  - ➢ Forme de completare a reclamatiei
  - ➢ Rapoarte privind activitatile privind consumatorii
  - ➢ Analiza performantelor serviciilor in slujba consumatorilor

Participarea publica: produse

- *Educarea consumatorilor*
  - **Asistenta generala pentru consumatori**
    - **Brosuri sau pliante cu "Cele mai frecvente intrebari"**
    - **Documente "Cum sa..." (ex. citirea unei facturi, economisirea energiei etc.)**
    - **Audiente/intalniri cu publicul: ce sunt, cum functioneaza, sugestii de exprimare etc.**
  - **Teme importante**
    - **Restructurarea**
    - **Cresterea tarifelor, sau cererea unei companii privind cresterea lor**
    - **Nou-venitii pe piata**

Participarea publica: produse

- *Informatii publice*
  - Informatii privind agentia de reglementare
    - Declaratia de intentii
    - Legislatia din domeniu
    - Profilul agentiei (personal, structura, buget)
  - Informatii specifice industriei
    - Informatii de evaluare
    - Profilul sectorului (actualizat)
    - Definirea termenilor
    - Copii dupa licente si alte documente
  - Documente oficiale
    - Fise, procese verbale, decizii, rapoarte anuale, audiente etc.

Participarea publica: Metode de difuzare

Cum interactioneaza agentiile cu publicul

- **Diversitate de metode**
- **Cel mai obisnuit si in crestere este Internet (pagini web)**
- **Conferinte de presa, raportari, buletine informative**
- **Altele:**
  - o **Hotlines (fara taxa, 24 ore/zi, automat)**
  - o **Conferinte de presa**
  - o **Interviuri acordate de membrii comisiei si de personal**
  - o **Utilizarea mass media**
  - o **Brosuri si scrisori**
  - o **Prezentari**
  - o **Discursuri**
  - o **Intalniri de lucru**
  - o **Programe saptamanale/lunare**
  - o **Permiterea accesului mass mediala evenimente**

Participarea publica: Metode de difuzare

Cum interactioneaza agentiile cu publicul

- **Audiente publice**
  - **cerinte importante:**
    - o **cele mai multe intalniri sau activitati sa fie publice**
    - o **majoritatea documentelor sau rapoartelor sa fie publice**
    - o **permiterea accesului mass mediala activitatile agentiei**

THE ACTIVITY OF NATURAL GAS DISTRIBUTION

Established in January 1975, the Enterprise of Networks and Facilities for Natural Gas Distribution started its activity on April 1st 1975, after it took over from the town administration, through protocol, everything that was related to the activity of natural gas distribution.

At the beginning, the enterprise developed its activity on a range of 18 counties, containing 269 distribution places.

The headquarters of S.C. DISTRIGAZ NORD S.A. is located in Tg.Mures, 21 P-ța Trandafirilor. It is constituted as a Romanian joint-stock company with a juridical personality and it carries out its activity according to the Romanian laws and the status of the company.

The social capital of S.C. DISTRIGAZ NORD S.A. Tg.Mures is of 749.656.510 thousands lei, this amount being divided in 7.496.565 nominative shares, each share representing 100.000 lei.

At present, our company carries out its activity in 20 counties and has 12 subsidiary distribution companies.

Aware and concerned with the important changes in the markets of natural gas, the company adjusted its developing-upgrading strategies and the trade policies towards the maintenance of a significant position, taking into consideration the liberalized market and the increased competition.

According to the Governmental Decision no. 334/28.04.2000 regarding the restructuring of the National Company of Natural Gas "ROMGAZ" S.A., the commercial company "DISTRIGAZ NORD" S.A. has as its main objective the purchase of natural gas, both domestic and import gas, the distribution and the marketing of natural gas. These activities are closely related to he four companies of natural gas unbundled from S.N.G.N. "ROMGAZ" S.A. at that same date. These companies are: The Commercial Company for the Transmission of Natural Gas "TRANSGAZ" S.A., The Commercial Company for the Exploitation and the Production of Natural Gas "EXPROGAZ" S.A., The Commercial Company for the Distribution of Natural Gas "DISTRIGAZ SUD" S.A. and the National Company for the Underground Storage of Natural Gas "DEPOGAZ".

S.C. DISTRIGAZ NORD S.A. is the technical operator of the system of natural gas under its patrimony and it is responsible for securing its functioning under quality standards, exploitation safety, economic efficiency and protection of the environment.

The present number of employees working in our company is 9.829, among which the TESA personnel is represented by 1.402 employees, the number of workers being 8.427. The company distributes natural gas by means of a 16.482 km-long network, to 710.074 subscribers.

The distribution network consists of 386 polyethylene pipelines, the others being made of steel. Under some investment programmes and due to the high quality of polyethylene, S.C. DISTRIGAZ NORD S.A. intends to replace more and more steel pipelines. These programmes are structured both for the year 2001 and the next years.

During 2000, out of the total distribution network, SC DISTRIGAZ NORD S.A. replaced the worn-out pipelines with 193 km of steel pipelines and 117 km of polyethylene pipelines.

Throughout the 26 years of the exploitation in the distribution system, the number of explosions decreased, due to the complex measures applied in the field of work protection.

At present, our efforts are directed towards the elimination of the accidents and explosions, through the proper displaying of the working places and organizing our own control teams, scheduled and unannounced in order to eliminate all the shortcomings that could cause human or technical accidents.

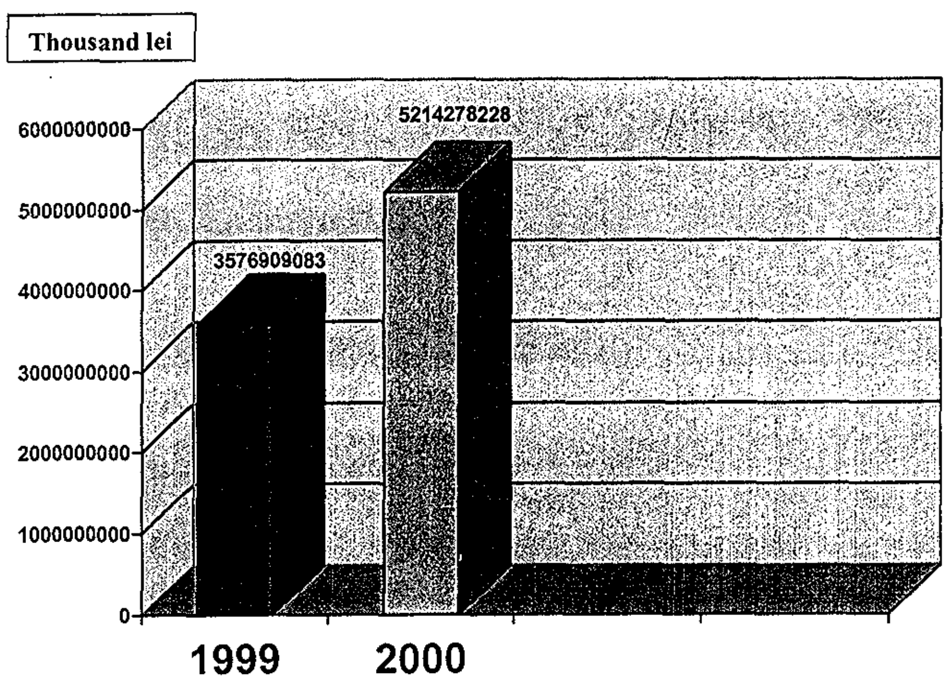
In order to increase the security in the distribution system, special efforts are being done in order to capture and reduce effectively the shortcomings, a special part playing the modern equipment for detection and the machinery used.

TOTAL TURNOVER

In 1999, the total turnover of S.C. DISTRIGAZ NORD S.A. was of 3.576.909.083 thousands lei, and in 2000, of 5.214.278.228 thoudands lei.

The valoric difference between the 1999 turnover as compared to the 2000 turnover is of 1.637.369.145 thousands lei, the percentage representing an increase of 46%.

THE COMPARATIVE SITUATION OF THE TOTAL TURNOVER BETWEEN 1999-2000



NUMBER OF SUBSCRIBERS (CUSTOMERS) OF S.C. DISTRIGAZ NORD S.A. TÂRGU MUREŞ

	Organizations	Private agents	Industry	Household consumers
31.12.1999	9.209	15.512	1.410	543.566
31.12.2000	10.372	19.047	2.156	649.608

THE SITUATION OF BRINGING INTO OPERATION THE PIPELINES AND BRANCHINGS IN 2000

OL Pipelines	OL Branchings	PE Pipelines	PE Branchings
131.041	27.600	137.063	14.835

CATEGORIES OF EMPLOYEES

No.	December 31,1999		December 31,2000	
1	Workers	7.662	Workers	7.964
2	Foremen	239	Foremen	249
3	TESA	1.042	TESA	1.151
4	**Total**	**8.943**	**Total**	**9.364**

DistriGaz

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SUCCESSFUL CASES

In 1999, S.C. DISTRIGAZ NORD S.A. replaced 114,6 km of pipelines and branchings and 310,5 km in 2000.

During the first six months of 2001 in the field of investments, S.C. DISTRIGAZ NORD S.A. replaced 18 km of pipelines and branchings made of steel and 52 km made of polyethylene, and in the field of retechnology, our company made some investments of 13.817.855 thousands lei.

We also have to mention that these investment works were done by using both steel and polyethylene.

OTHER ISSUES RELATED TO THE SPECIFIC ACTIVITY

Regarding some other activities related to the natural gas distribution, we have to mention hat in 1999, the length of the exploitation pipelines was of 15.021 km and in 2001, it is of 16.482 km.

At the same time, SC DISTRIGAZ NORD SA carried out exploitation activities, examination, service activities and checking of pipelines as follows:

1999

- service: 15.421 km of pipelines
- checkings: 461.149 km of pipelines

2000

- service: 18.182 km of pipelines
- checkings: 395.492 km of pipelines

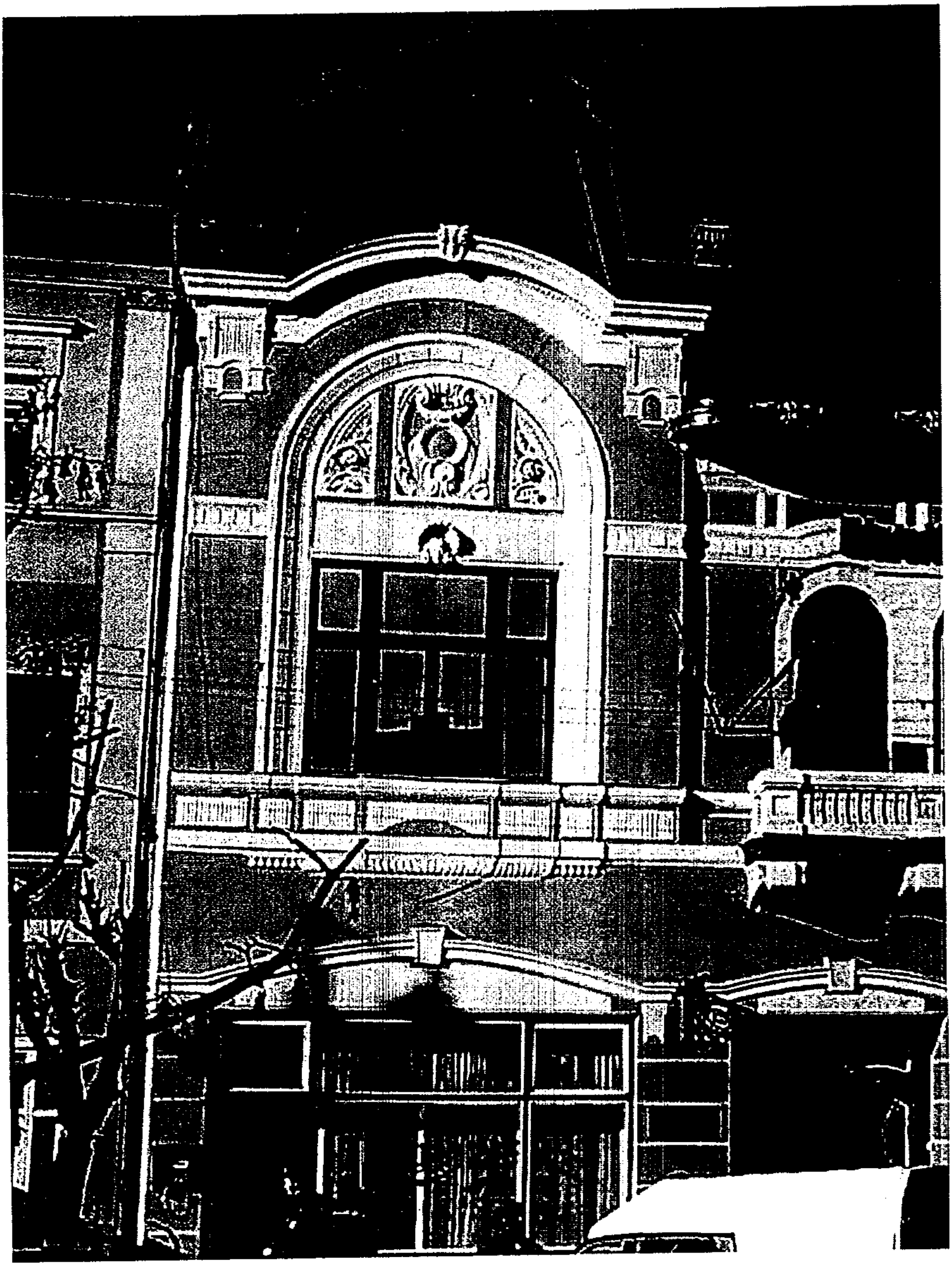
2001- during the first 6 month

- **service: 7.749 km of pipelines**
- **checkings: 157.232 km of pipelines**

THE PARTENERS OF DISTRIGAZ NORD IN THE NATURAL GAS DISTRIBUTION

Within the activity of natural gas distribution, S.C. DISTRIGAZ NORD SA Tg. Mureş had and it goes on keeping cooperations with many business partners, among which the most important from the point of view of purchasing and transporting of natural gas are: TRANSGAZ Medias, EXPROGAZ Medias, DEPOGAZ Ploieşti, PETROM Bucureşti (internal partners), as well as: WIROM Bucureşti (external partner).

S.C. DISTRIGAZ NORD S.A. Tg.Mureş also keeps a close relationship with the Agency for the Regulation of Natural Gas in Bucharest (the settlement of the price for natural gas), as well as with the World Bank (financing programmes for replacing PE pipelines).



ACTIVITATEA DE DISTRIBUŢIE GAZE NATURALE

Constituită în ianuarie 1975, Întreprinderea de Reţele şi Instalaţii de Distribuţie Gaze Naturale şi-a demarat activitatea la 1 aprilie 1975, după ce s-a preluat de la întreprinderile de gospodărie comunală şi locativă, prin protocol tot ceea ce a fost legat de activitatea de distribuţie de gaze naturale.

La constituire întreprinderea îşi desfăşura activitatea în perimetrul a 18 judeţe, cuprinzând 269 de localităţi.

S.C. DistriGaz Nord S.A. Tg. Mureş îşi are sediul în municipiul Tg. Mureş, P-ţa Trandafirilor nr. 21, este persoană juridică română, având forma juridică de societate pe acţiuni şi îşi desfăşoară activitatea în conformitate cu legile române şi statutul societăţii.

Capitalul social al S.C. DistriGaz Nord S.A. Tg. Mureş este de 749.656.510 mii lei, fiind împărţit în 7.496.565 acţiuni nominative, fiecare acţiune în valoare de 100.000 lei.

În prezent societatea îşi desfăşoară activitatea în 20 de judeţe şi are în componenţa sa 12 sucursale de distribuţie.

Conştientă şi preocupată de importantele modificări ale pieţei gazelor naturale, compania şi-a adaptat strategiile de dezvoltare-modernizare şi politicile comerciale în direcţia menţinerii unei semnificative poziţii, în condiţiile liberalizării pieţei şi creşterii competiţiei.

În conformitate cu H.G. nr.334/28.04.2000 privind reorganizarea Societăţii Naţionale de Gaze Naturale " ROMGAZ " S.A., Societatea Comercială"DISTRIGAZ NORD" S.A. are ca obiect principal de activitate achiziţionarea de gaze naturale din producţia internă şi din import, distribuţia şi comercializarea gazelor naturale, în strânsă conlucrare cu cele patru societăţi din domeniul gazelor naturale desprinse din S.N.G.N. " ROMGAZ " S.A. la aceiaşi dată şi anume Societatea Comercială de Transport Gaze Naturale " TRANSGAZ " S.A , Societatea Comercială de Exploatare şi Producţie a Gazelor Naturale "EXPROGAZ" S.A., Societatea Comercială de Distribuţie a Gazelor Naturale "DISTRIGAZ SUD" S.A. şi Societatea Naţională de Depozitare Subterană a Gazelor Naturale "DEPOGAZ" S.A.

S.C. DistriGaz Nord S.A. este operatorul tehnic al sistemului de distribuţie a gazelor naturale aflat în patrimoniul său şi răspunde de asigurarea funcţionării acestuia în condiţii de calitate, siguranţă în exploatare, eficienţă economică şi protecţie a mediului înconjurător.

În cadrul societăţii îşi desfăşoară activitatea 9.829 de angajaţi, din care personalul TESA reprezintă 1.402 persoane, numărul de muncitori fiind de 8.427, distribuind gaze naturale prin intermediul unei reţele cu o lungime totală de 16.482 km., unui număr total de abonaţi de 710.074.

Din totalul reţelelor de distribuţie 386 de kilometrii sunt din polietilenă, iar restul din oţel, urmând ca datorită calităţilor superioare ale polietilenei să fie înlocuite în număr cât mai mare de conducte din oţel în urma unor programe de investiţii eşalonate atât pentru anul 2001 cât şi pentru anii următori.

În anul 2000, din totalul reţelelor de distribuţie gaze naturale au fost înlocuite din reţelele cu perioada de exploatare amortizată, 193 km cu conductă de oţel şi 117 km cu conductă din polietilenă.

În decursul celor 26 de ani de exploatare a sistemului de distribuţie, exploziile au cunoscut o evoluţie descendentă, ca urmare a măsurilor complexe dispuse şi aplicate în domeniul protecţiei muncii.

În prezent, eforturile sunt îndreptate spre eliminarea accidentelor şi exploziilor, prin dotarea corespunzătoare a locurilor de muncă şi organizarea de controale proprii, programate şi inopinante, la locurile de muncă pentru eliminarea tuturor deficienţelor care ar putea produce accidente umane sau tehnice.

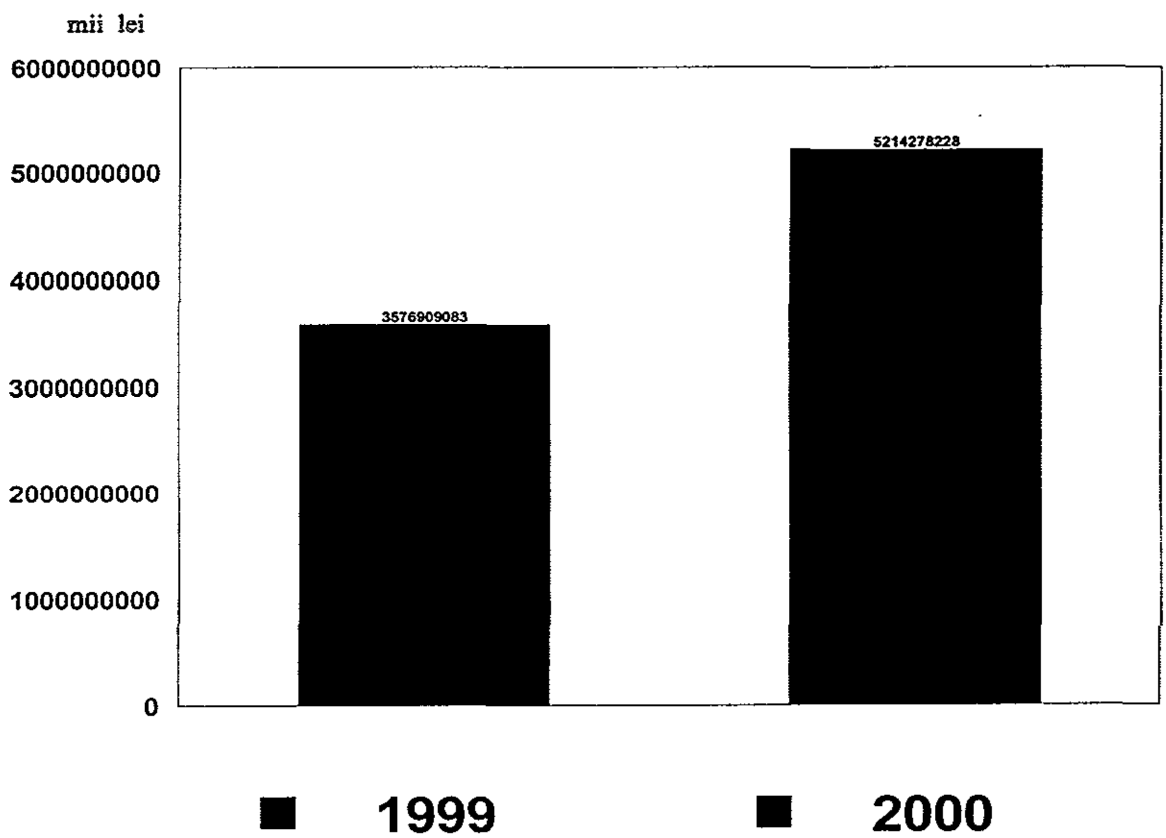
Pentru creşterea siguranţei în exploatare a sistemului de distribuţie se fac eforturi deosebite pentru depistarea şi remedierea operativă a defectelor, un rol deosebit în acest sens avându-l aparatura modernă de detecţie şi utilajele folosite.

CIFRA DE AFACERI

În anul 1999 cifra de afaceri a SC DistriGaz Nord SA a fost de 3.576.909.083 mii lei, iar în anul 2000 de 5.214.278.228 mii lei.

Diferența valorică a cifrei de afaceri din anul 2000 față de anul 1999 este de 1.637.369.145 mii lei, procentual aceasta reprezentând o creştere de 46 %.

Situatia comparativa a cifrei de afaceri in anii 1999 si 2000



NUMĂRUL DE ABONAŢI (CLIENŢI) AI S.C. DistriGaz Nord S.A Tg. Mureş

	instituţii	privaţi	industrie	casnici
31.12.1999	9.209	15.512	1.410	543.566
31.12.2000	10.372	19.047	2.156	649.608

SITUAŢIA PUNERILOR ÎN FUNCŢIUNE ÎN ANUL 2000 - CONDUCTE ŞI BRANŞAMENTE

-ml-

Conducte OL	Branşamente OL	Conducte PE	Branşamente PE
131.041	27.600	137.063	14.835

CATEGORII DE ANGAJAŢI

Nr. crt.	31 decembrie 1999		31 decembrie 2000	
1	Muncitori	7.662	Muncitori	7.964
2	Maiştri	239	Maiştri	249
3	TESA	1.042	TESA	1.151
4	**TOTAL**	**8.943**	**TOTAL**	**9.364**

CAZURI DE SUCCES

În anul 1999 au fost înlocuite conducte şi branşamente în lungime de 114,6 km, iar în anul 2000 - 310,5 km.

În primele 6 luni ale anului 2001 în domeniul investiţiilor s-au realizat înlocuiri de conducte şi branşamente la un nivel de 18km oţel şi 52 km polietilenă iar în domeniul retehnologizării s-au realizat investiţii în valoare de 13.817.855 mii lei.

Menţionăm că aceste lucrări de investiţii au fost realizate atât în oţel cât şi în polietilenă.

ALTE ASPECTE LEGATE DE ACTIVITATEA SPECIFICĂ

Referitor la alte activităţi specifice distribuţiei de gaze trebuie menţionat faptul că dacă la nivelul anului 1999 lungimea reţelelor aflate în exploatare era de 15.021 km, în anul 2001 la ora actuală este de 16.482 km.

Totodată s-au efectuat în cadrul activităţii de exploatare acţiuni de revizii şi verificări de conducte astfel:

1999

- revizii : 15.421 km - reţea
- verificări : 461.149 km- reţea

2000

- revizii : 18.182 km - reţea
- verificări: 395.492 km - reţea

2001 primele 6 luni

- **revizii: 7.749 km - reţea**
- **verificări : 157.232 km - reţea**

PARTENERII SC DISTRIGAZ NORD ÎN ACTIVITATEA DE DISTRIBUŢIE A GAZELOR NATURALE

În cadrul activităţii de distribuţie a gazelor naturale, SC DISTRIGAZ NORD SA Târgu Mureş a avut şi are în continuare relaţii de colaborare cu mai mulţi parteneri de afaceri, printre aceştia, cei mai importanţi din punctul de vedere al achiziţionării şi tranzitării, sunt : TRANSGAZ Mediaş, EXPROGAZ Mediaş, DEPOGAZ Ploieşti, PETROM Bucureşti (parteneri interni) precum şi: WIROM Bucureşti (partener extern).

De asemenea SC DISTRIGAZ NORD SA Târgu Mureş are relaţii de parteneriat cu Agenţia de Reglementare a Gazelor Naturale Bucureşti (stabilirea preţului gazelor naturale), precum şi cu Banca Mondială (programe de finanţare pentru înlocuire conducte din polietilenă).

SOCIETATEA NATIONALA DE GAZE NATURALE
S.N.G.N. ROMGAZ S.A.
Capital social: 763.479.610 mii lei; Nr. inreg. in reg. comertului: J32/392/2001;
Cod fiscal:R14056826, Medias 3125, Str.Unirii nr.4, jud.Sibiu, ROMANIA,
Tel.: +4 069 842262; +4 069 841667 Fax: +4 069 841769; E-mail: cooperare@exprogaz.ro

The Position of the National Gas Company ROMGAZ S.A. during a Period of Transition and Reforms in the Field of Natural Gas

During the last years the European Industry has known fundamental changes determined by gas market liberalization and opening in the EU member states.
The wish for liberalization has determined both changes in the gas industry and government policies. Under these conditions, a more important role has to be granted to the market mechanisms, the development of viable restructuring strategies, introduction of new regulations and the development of new structures allowing the transition to an open market. Other important energy policy objectives such as security of supply and environment protection have also to be taken into account.
So companies of the natural gas sector have to adapt to a more competitive business environment and a new regulatory system.

The natural gas represents the most important energy resource in Romania, having a weight of about 40% in the balance of primary energy resources. This situation is due to following factors:

- existing resources and domestic production;
- existing transmission and distribution infrastructure which covers the entire surface of the country;
- a favorable position in the Central and Eastern Europe international transmission system;
- the near future possibility to interconnect to the Western Europe system and to the gas resources from the Caspian and Middle-East .

Romania's economical evolution during the period 1990-2000 as well as the absence of a functional and organizational frame which could have determined and supported a real activity efficiency from all the related sectors of this important activity, has not allowed the rehabilitation and development of gas industry, especially of its base segment: exploration, production, underground storage of natural gas.

The natural gas production increased decline is in a significant way due to the lack of investment funds for performing a minimum volume of geological works to discover and produce from new resources-reserves, for performing development works as well as for performing specific operations for implementation of upgraded technology and equipment for production rehabilitation of old structures in an advanced exploitation stage (recovery factor of over 70%).

Another factor, which has led to a natural gas production decrease and which has reflected upon development funds, was the applied price policy and the existing tax system, which has not stimulated investments in the sector, having effects upon activity effectiveness and rational and efficient usage of natural gas in all industrial sectors, the residential one, inclusively.

Experience has proved that in Romania the new discovered reserves cannot support the increase of production requested by a sustained increase of consumption. For most of the companies, Romgaz inclusively, the greatest opportunity seems to be the development of clearly defined reserves, which is production rehabilitation. It is also known that investments in this field will generate profit. The question is, whether generated profit will justify initial investments.

Taking into account the above mentioned, the major objectives of Romgaz for the next years are to be found in projects mainly targeting followings:

- Gas production support through rhythmical discovery of new resources – reserves, in advantageous economical conditions, which will permit a gradually replacement of production.
- Production rehabilitation in structures with special technological problems.
- Increased development of the existing natural gas underground storage capacity as well as development of new deposits.
- Improvement of gas quality, metering systems and control of delivered gas quantity.
- Commercialization of valuable components of the natural gas mixture.
- Development of a various project portfolio, within a wide interest scope, to offer more flexibility to the performed activity.

In the natural gas industry as well as in other industries based on natural resources, the production is subject to both resource depletion and new resource discovery. If investments for discovery of new reserves are not made, the production will be reduced, due to depletion. If it is invested in production rehabilitation, the decline will be reduced and the growing demand on the gas market could be sustained.

The very close connection between technology and gas prices has to be taken into account. The producers will increase the production, so they will drill new wells trying to improve production by applying various technologies, only if the natural gas prices cover the investment.

If gas prices are low, the producers will tend to diminish the investments, that is expenditures, producing only cheep gas. But such an approach is not the best for a company that wants to exist in the next 50 years. A solution could be the appliance of feasible technologies in a restrictive economical environment, implying a very carefully selection of such technologies. Investments can be made even in low-price conditions hoping for a price increase.

Production rehabilitation measures and actions to be taken in the next years are following:

- A precise identification of the porous permeable gas layers through high accuracy geophysical measurements performed with modern equipment (Schlumberger, Dresser, WesternAtlas);
- Periodically investigation of wells with modern underground equipment to determine hydrodynamic parameters of gas reservoir and to establish the best production technological system;
- Technical evaluation of the existing wells in order to re-complete the underground equipment and to apply modern technologies to increase reservoir gas onflow;
- Extension of technologies to stimulate and increase gas onflow from the layer to the well by:
    - Re-perforation and adding of high efficiency equipment in under-balance conditions;

- Acidizing and mixed acidizing with minifractures;
- Hydraulic fractures;
- Horizontal drilling, with large deviations or multilateral;
- Gravel pack and packfrack;

- Re-dimensioning and re-consideration of the gas compressing process in the structure and well group and initation of the compressing process at the christmas-tree;
- Plunger-lift technology extension for a rhythmical water removal;
- Usage of new fluids for the completion and opening of gas saturated collectors, that will not affect the gas flow properties;
- Adoption of an adequate extraction process management correlated with the gas demand of the market and potential production possibilities;
- Upgrading of well surface infrastructure, collecting pipelines, separation, drying and metering common installation;
- Preventive operations for the clean keeping of the bottom hole by an intensive and effective usage of the workover equipment in the bottom hole.
- Intensive and effective usage of hard and soft equipment purchased by ROMGAZ to elaborate complex feasibility studies for production rehabilitation, studies for converting semi-depleted reservoirs into underground storages, to monitor and manage the production process;
- Extension of co-operation and association with foreign companies in the field of complex rehabilitation of some reservoirs that request major investments.

ROMGAZ has already started a competitive negotiation process with companies interested to participate in such petroleum operations and to initiate a gas production rehabilitation pilot project in Laslau Mare and Paingeni structures, district of Tg. Mures.
Our company agrees this kind of co-operation for performing petroleum operations, taking into account followings:

- Lack of own financial resources to support the technical program evaluated at high investment values;
- Implementation of modern technologies used in other gas fields from the world with positive results;
- Exchange of technical-economical and managerial experience.

One of the most important aspects of the energy strategy in Romania is the development of natural gas storage capacity for peak shaving during the cold season and increased supply security in crisis situations.

Although the underground storage capacity has increased in the last years, the volume of stored gases in Romania was 1.34 billions c.m in 2000, representing approx. 8 % of the total annual gas consumption in Romania.

For comparison, in the Western Europe countries the value is between 10 and 15%. The strategy of ROMGAZ provides the development of the underground storage capacity up to 3.5 billion c.m/year until 2004 and this goal will be achieved by developing new underground storages located in areas with low resources and/or in the neighborhood of interconnection points with the transmission systems of the neighboring countries.

Following deposits are included in this category: Margineni- district of Roman, Bilciuresti – district of Dambovita, Urziceni – district of Ialomoita, Balaceanca – district of Ilfov, Ghercesti – district of Dolj and Ghergheasa – district of Buzau.

Taking into account the high values of the investments the development of the storages could be approached in stages depending also on the future development of the gas market in Romania as well as export capacity demands.

Foreign participation in this project could be materialized by followings:

- Co-financing and purchasing of gas to store;
- Supply of installation and equipment;
- Co-operation in work performing and possible in storage operation.

In the transition stage there was an obvious need to reconsider the legal frame of the natural gas sector. New laws has been adopted in order to complete or, depending on case, to codify in an integrating manner the specific field of natural gas, allowing the development of an energy strategy common to all players on the natural gas market. In this respect we mention the establishing of the Autoritatea Nationala de Reglementare in Domeniul Gazelor Naturale (the National Regulatory Authority for Natural Gas).

The legal frame modification for specific gas activities performance has following objectives:

- to promote and secure market competition;
- to secure conditions of gradually liberalization of the gas market;
- energetic efficiency increase in the natural gas sector.

New clients, with specific demands, are arising on the market, implying a change of suppliers' attitude towards them. ROMGAZ tries to meet challenges by:

- a flexible market policy, according to the demands of each customer;
- customer portfolio diversifying;
- using long and short term contracts;
- underground storage capacity enhancement for peak shaving;
- offering underground storage services
- cash-flow enhancement and security.

We appreciate your interest regarding the ROMGAZ problems during the transition period and we thank you for your time.

Romgaz in perioada de tranzitie si reforma in domeniul gazelor naturale

In ultimii ani, industria europeana de gaze a cunoscut schimbari fundamentale determinate in principal de liberalizarea si deschiderea pietelor de gaze in cadrul statelor membre ale Uniunii Europene.
Dorinta de liberalizare a determinat schimbari nu numai la nivelul industriei de gaze ci si la nivelul politicilor guvernamentale. In aceste conditii trebuie acceptata ideea acordarii unui rol mai important mecanismelor de piata , dezvoltarii unor strategii viabile de restructurare, introducerii unor noi reglementari si nu in ultimul rand crearea unor structuri noi care sa permita tranzitia spre o piata libera. In acelasi timp, nu trebuie pierdute din vedere alte obiective ale politicii energetice, la fel de importante, cum ar fi: siguranta furnizarii si protectia mediului inconjurator.
In aceste conditii , companiile din sectorul gazelor naturale sunt nevoite sa se adapteze la un mediu de afaceri mai competitiv si la un nou sistem de reglementare in domeniu.

In Romania , gazul natural reprezinta cea mai importanta resursa energetica detinand o pondere de cca. 40% in balanta resurselor de energie primara. Aceasta situatie este determinata de urmatorii factori:

- existenta resurselor si productiei interne;
- infrastructura existenta de transport si de distributie extinsa pe intregul teritoriul tarii;
- o pozitie favorabila in sistemul de transport international in Europa Centrala si de Est;
- posibilitatea de interconectare in viitorul apropiat la sistemul vest – european si la resursele de gaze din regiunea Caspica si Orientul Mijlociu.

Evolutia economiei romanesti din perioada 1990-2000 precum si lipsa unui cadru organizatoric si functional care sa determine si sa sustina o reala eficientizare a activitatilor din toate sectoarele aferente acestei importante activitati, a impiedicat reabilitarea si dezvoltarea industriei gazeifere , in special a segmentului sau de baza : explorare- productie- inmagazinare subterana a gazelor naturale.

Declinul accentuat al productiei de gaze naturale, s-a datorat intr-o masura semnificativa lipsei fondurilor de investitii pentru executarea unui volum minimal de lucrari geologice de descoperire si punere in productie de noi resurse-rezerve, pentru realizarea lucrarilor de dezvoltare, precum si pentru efectuarea unor operatii specifice de implementare a unor tehnologii si echipamente moderne pentru reabilitarea productiei din structurile vechi aflate intr-o faza avansata de exploatare (factor de recuperare de peste 70%).

Un alt factor care a dus la diminiuarea productiei de gaze naturale si care s-a reflectat asupra fondurilor de dezvoltare a fost politica de preturi aplicata si sistemul de impozitare si taxare existent care nu a stimulat investitiile in sector cu efecte asupra profitabilitatii activitatii si a utilizarii rationale si eficienta a gazelor naturale in toate sectoarele industriale,inclusiv in cel rezidential – casnic.

Practica a demonstrat ca in Romania, rezervele noi descoperite nu mai pot aduce un aport substantial la cresterea productiei ceruta de o crestere sustinuta a consumului. Din acest motiv, in cazul majoritati companiilor , printre acestea numarandu-se si Romgaz, cele mai mari oportunitati par a fi in dezvoltarea unor rezerve bine definite, deci in reabilitarea productiei. De asemenea este cunoscut faptul ca investitiile in acest domeniu vor genera profit. Problema este daca profitul generat va justifica investitiile initiale.

Pornind de la aceasta stare de fapt , obiectivele majore ale Romgaz pentru urmatorii ani se regasesc in proiectele care vizeaza, in principal:

- sustinerea productiei de gaze prin **descoperirea ritmica de noi resurse- rezerve, in conditii economice avantajoase**,care sa permita inlocuirea in procente cat mai mari a productiei;
- **reabilitarea productiei** din structurile cu probleme tehnologice deosebite;
- intensificarea ritmului de dezvoltare a capacitatilor existente de inmagazinare subterana a gazelor naturale cat si **crearea de noi depozite**;
- imbunatatirea **calitatii gazelor** si a sistemelor de masura si control a cantitatilor de gaze livrate.
- valorificarea componentilor valorosi din amestecurile de gaze naturale;
- dezvoltarea unui portfoliu cat mai diversificat de proiecte, intr-un spectru cat mai larg de interese , care sa ofere un plus de flexibilitate activitatii desfasurate.

In industria de gaze naturale ca si in alte industrii care au la baza resurse naturale, productia este supusa actiunii a doua " forte": depletarea resurselor si descoperirea de noi resurse . Daca nu se fac investitii pentru descoperirea de noi resurse, datorita depletarii, productia scade. Cand se investeste in reabilitarea productiei, declinul se atenueaza permitand sustinerea unei cereri crescande pe piata gazelor.

Nu trebuie uitat insa, faptul ca exista o foarte stransa legatura intre tehnologie si pretul gazelor. Producatorii vor creste productia , deci vor sapa noi sonde si vor incerca sa imbunatateasca productia prin aplicarea diferitelor tehnologii numai in conditiile in care pretul gazelor naturale este suficient pentru a justifica investitia.

In conditiile unui pret scazut al gazelor, producatorii au tendinta de a reduce volumul investitiilor deci a cheltuielilor concentrandu-se pe producerea gazelor ieftine. Desigur aceasta abordare nu este cea mai potrivita pentru o companie care vrea sa mai existe si in urmatorii 50 de ani. O solutie ar fi aplicarea unor tehnologii fezabile intr-un mediu economic restrictiv ceea ce presupune alegerea atenta a acestor tehnologii. Deci pot fi facute investitii chiar in conditiile unui pret scazut in speranta unei cresteri viitoare a pretului.

Masurile si actiunile prevazute in urmatorii ani pentru reabilitarea productiei vizeaza in principal urmatoarele :

- identificarea cat mai exacta a stratelor poros permeabile saturate cu gaze prin masuratori geofizice de mare acuratete executate cu echipamente moderne (Shlumberger, Dresser, WesternAtlas);
- investigarea periodica a tuturor sondelor cu echipamente moderne de adancime in vederea determinarii cat mai reale a parametrilor hidrodinamici ai rezervorului de gaze si stabilirii regimurilor tehnologice optime de productie;
- evaluarea tehnica a intregului fond de sonde in vederea recompletarii echipamentului de adancime si aplicarea unor tehnologii moderne de stimulare a afluxului de gaze din zacamant;
- extinderea tehnologiilor de stimulare si amplificare a afluxului de gaze din strat in sonda prin:

- reperforari si aditionari cu echipamente de mare eficienta in conditii de subechilibru;
- acidizari si acidizari combinate cu minifracturari ;
- fracturari hidraulice;
- foraj orizontal, cu devieri mari sau multilateral;
- consolidari in formatiunile slab consolidate(gravel pack si packfrac).

- Redimensionarea si reconsiderarea procesului de comprimare a gazelor la nivelul de structura , grup de sonde si initierea procesului de comprimare la capul de eruptie;
- Extinderea tehnologiei plunger-lift pentru eliminarea ritmica a apei ;
- Utilizarea de fluide noi de completare si deschidere a colectoarelor saturate cu gaze care sa nu afecteze proprietatile de curgere ale acestora;
- Adoptarea unui management adecvat al procesului de extractie, corelat cu cererea de gaze pe piata si cu posibilitatile potentiale de productie;
- Modernizarea infrastructurii de suprafata aferenta sondelor, conductelor colectoare , instalatiilor comune de separare , uscare ,masurare;
- Operatiuni profilatice de mentinere a talpii sondelor curate prin utilizarea intensiva si eficienta a echipamentelor de interventie in gaura de sonda.
- Utilizarea intensiva si eficienta a echipamentelor hard si soft achizitionate de Romgaz pentru intocmirea de studii complexe de fezabilitate pentru reabilitarea productiei, a studiilor de convertire a zacamintelor semidepletate in depozite de inmagazinare, de urmarire si conducere optima a procesului de productie
- Extinderea colaborarii / asocierii cu firme straine de profil in reabilitarea complexa unor zacaminte ce necesita investittii majore.

Romgaz a demarat deja un proces de negociere competitiva cu companii care doresc sa participe la asfel de operatiuni petroliere si sa initieze intr-o faza initiala un proiect pilot de reabilitare a productiei de gaze in structurile Laslau Mare si Paingeni – jud. Mures.
Compania noastra agreaza acest gen de cooperare pentru efectuarea de operatii petroliere, avand in vedere urmatoarele:

- Lipsa unor resurse financiare proprii care sa sustina programul tehnic estimat la valori investitionale mari;
- Implementarea unor tehnologii moderne folosite pe alte zacaminte de gaze din lume cu rezultate pozitive;
- Schimbul de experienta tehnico- economica si manageriala.

Dezvoltarea capacitatilor de stocare a gazelor naturale pentru acoperirea varfurilor de consum pe perioada sezonului rece, precum si pentru cresterea gradului de siguranta a alimentarii cu gaze a consumatorilor in situatii de criza, este unul din punctele importante ale strategiei energetice din Romania.

Desi in ultimii ani capacitatea de inmagazinare a inregistrat o crestere, in anul 2000, cantitatea de gaze de inmagazinate la nivelul intregii tari a fost de 1,34 mld. mc, ceea ce reprezinta circa 8% din consumul anual total de gaze din Romania.

Pentru comparatie, acest raport ajunge, in tarile din Europa de Vest, la valori cuprinse intre 10 si 15%. Strategia Romgazului prevede dezvoltarea capacitatii de inmagazinare subterana a gazelor pana la un nivel de 3,5 mld. mc/an in 2004, aceasta realizandu-se in parte prin amenajarea unor depozite noi, amplasate in zone deficitare in surse si /sau in apropierea conductelor de interconectare cu sistemele de transport din tarile vecine.

In aceasta categorie se incadreaza depozitele Margineni – jud.Roman, Bilciuresti – jud.Dambovita, Urziceni –jud. Ialomita, Balaceanca – jud.Ilfov, Ghercesti-jud. Dolj si Ghergheasa – jud.Buzau.

Avand in vedere valorile mari ale acestor investitii, amenajarile si dezvoltarile depozitelor pot fi abordate etapizat functie atat de dezvoltarea viitoarei piete de gaze din Romania, cat si de cerintele de capacitate la export.

Participarea externa in cazul acestui proiect se poate materializa in:

- Co-finantarea si achizitia gazelor pentru stocare;
- Furnizarea unor instalatii si echipamente;
- Cooperarea in executarea lucrarilor si eventual operarea depozitului.

In mod evident , in perioada tranzitiei , a existat nevoia de a reconsidera cadrul legal din sectorul de gaze naturale. Astfel, au fost adoptate noi legi care sa completeze sau, dupa caz, sa codifice de o maniera integratoare domeniul specific al gazelor naturale, ceea ce permite dezvoltarea unei strategii energetice comune tuturor participantilor pietei de gaze naturale. In acest sens mentionam infiintarea Autoritatii Nationale de Reglementare in Domeniul Gazelor Naturale .

Modificarea cadrului legal pentru desfasurarea activitatilor specifice sectorului de gaze are urmatoarele obiective:

- Promovarea si asigurarea competitiei pe piata ;
- Asigurarea conditiilor de liberalizare graduala a pietei de gaze;
- Cresterea eficientei energetice in sectorul gazelor naturale.

Aparitia unor clienti noi cu cerinte specifice, necesita schimbarea atitudinii pe care un furnizor trebuie sa o adopte fata de acestia. Romgaz incearca sa faca fata acestor provocari prin :

- O politica de marketing flexibil, in raport cu cerintele fiecarui client;
- Diversificarea portofoliului de clienti;
- Utilizarea in comercializarea gazelor a contractelor pe termen lung si scurt;
- Cresterea capacitatii de inmagazinare in depozite pentru acoperirea varfurilor de consum;
- Oferire de servicii de inmagazinare;
- Imbunatatirea si garantarea cash–flow- ului.

Aprecim interesul dumneavoastra fata de problemele Romgazului in perioada de tranzitie si va multumim pentru atentia acordata.

COMPANY'S PROFILE

Seminar USAID/UE – Phare
Romania, Poiana Brasov
27 – 28 September 2001

National Company for Natural gas Transport "TRANSGAZ" S.A., heaving its headquarters in Medias, was established according to the Government Decision no. 334/April 28, 2000, as a result of unbundling the Natural Gas National Company "ROMGAZ" S.S. The state owns the whole nominal share capital, as a unique shareholder, represented by the Ministry of Industry and Resources.

National Company for Natural gas Transport "TRANSGAZ" S.A. has as a main object of activity natural gas transport, dispatching, international transit, research designing in natural gas transport sector. "TRANSGAZ" S.A. is the technical operator of natural gas trunk pipelines national system, ensures and is responsible for its functioning on quality, safety, economic efficiency and environmental protection terms.

The company could additionally perform related activities, for sustaining the main object of activity (excluding acquisition and trading activity for internal and import natural gas), in compliance with the legislation in force and its own status. An example is the research-development activity in natural gas transport sector, and for this the "Research-Designing Branch for Natural Gas Transport" exists, having a vast experience in this field.

NATURAL GAS NATIONAL TRANSPORT SYSTEM
-SNT-

"TRANSGAZ" S.A. company owns an infrastructure through which more 30,000 million cubic meters could be transported per year. Natural gas national transport system contents the following:

- almost 11,000 Km trunk pipelines having the diameter of 150-800 mm;
- 6 gas compression stations on the route of the pipelines;
- more 600 regulation-measurement-delivery stations for supplied gas
- more than 700 cathode protection stations for natural gas transport pipelines;
- its own communication system which contents:
    - 55 radio semi duplex networks, ensured by 98 repeating stations (Quatantar, MSF, GR 500, GR 300), an equal number with the sector one of simplex radio networks, which operate for 1,200 fix, mobile and bearable radio networks;
    - 40 automatic telephone exchanges of various capacities
    - a radio-relay network formed by 11 stations, receivers, terminals and the switchboard.

Operation on the national transport system is performed by the means of 9 zonal branches, a Central Dispatching having its quarters in Medias and a Gas National Dispatching Center having its headquarter in Bucharest.

KEY PROJECTS

The development program for natural gas transport activity, key objective foreseen in the strategy of the society, is structured on three main directions which have been funded on reasons regarding the necessity of rehabilitation and restructure of SNT, taking into consideration the oldness and technical and moral wear and tear, and the continuous development of natural gas transport activity on Romanian territory (Appendix 1):

- SNT infrastructure rehabilitation;
- SNT development on new gas consumption zones;
- Interconnections of SNT for diversifying the external supplying sources and gas international transit development.

Taking into consideration the oldness and the wear and tear, the rehabilitation and restructure of natural gas national transport system is a necessity. In this regard, for the period 1999-2000 the consultancy company Pipeline Engineering Gmbh from Germany, that issued the work: "Feasibility study for evaluation, reorganization, rehabilitation and modernizing the natural gas national transport system". The scope of this study was that to identify the measures that are requested for the rehabilitation, the approach method according to the importance and the priorities.

In the following lines we shall shortly present the results of this study, they representing for the moment investment priorities for S.N.T.G.N. TRANSGAZ S.A. for rehabilitating the national system for natural gas transport.

The configuration and presently structure of the transport system is the result of the evolution of sources and consumption for the last 30-40 years. The important restructures of consumptions for the last years, as well as an analysis of the evolution of gas market in the perspective of the year 2010 shall determine the new configuration of the system.

They could give up some of the pipelines or find a new destination for them, others shall be rehabilitated or replaced, and some of the branches and derivations shall be rebuilt.

Analyzing the present situation of the transport pipelines system the following data result:

- Total length (excluding transit pipelines) 10,200 km, from which
    - 4,760 km transport pipelines
    - 5,500 km "repartition pipelines" and "branches"
- The length of the regime pressure 25-40 Barr pipelines: 7,700 km, from which:
    - 7,000 km high pressure pipelines (<40 Barr)
    - 4,000 km having an operating life more than 30 years
    - 5,760 pipelines having diameter more than 20 inches
- The length of the pipelines under 16 Barr pressure: 5,700 km

Even the whole system has its own importance, though the most important part is the 7,700 km of the regime pressure 25-40 Barr pipelines, from which accordingly to their diameter about 75% are over 20 inches, and accordingly to their life over 50% are older than 30 years.

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This pipeline category represents the base architecture of the national transport system and will be the main theme for the reconfiguration of the future system.

In the last years, the capital repaired pipelines represented an average of about 180 km/year, and this is not enough and leads step by step to an inadequate technical situation for functioning on safety terms for the system within 5-10 years. For rehabilitation of the whole natural gas trunk pipeline system within the following 10-15 years, it is appreciated that minimum 200-300 km pipelines should be yearly replaced, having different diameters, and this represents an investment of about 50-60 million USD/year.

Regarding the installation related to the gas national transport system, the study recommends focusing the investment for the following purposes:

1. the highest priority is cathode protection improvement for stopping the continuously degradation and for maintaining the present stage of transport system.
2. the second important measure is to reduce the risk for high-pressure transport, by replacing the sub crosses for roads and railways.
3. the third measure is successive replacement of all SRM with those international accepted.

For the purpose of developing the national transport system, Transgaz S.A. pays a great attention to the possibility of interconnecting to the transport systems in the neighboring countries, for the purpose of import gas fro the Russian Federation 9at present) or from other sources (in the future), as well as the development of transit capacities on Romanian territory (Annex 2).

From special achievements we want to mention the putting into operation, at the end of 1999, of the interconnection pipeline of the Romanian gas transport system with the Ukrainian one in Satu Mare area, as well as the taking over station of imported natural gas in Mediesu Aurit. Until the end of 2001 we want to finalize the 20" pipeline Taga-Sarmasel, which is going to ensure the necessary storage capacity of gas quantities from Hust-Satu Mare into the underground storage in Sarmasel.

The international transit activity was established in 1974, by building the first transit pipeline toward Bulgaria, having a capacity of 8 billion cubic meter/year. In 1989, by putting into operation the second pipeline toward Turkey, the Romanian transit capacity has increased to 18 bcm/year.

At the moment, the third pipeline for natural gas transit from the Russian Federation toward third parties is under construction, respectively Dn 1,200 mm x 5.4 Mpa, Isaccea-Negru Voda. The first part of this pipeline, long of 90 km, has been put into operation in December 2000, this leading to the increase of transport capacity toward Turkey from10 bcm/year (capacity achieved on the existing 1,200 Nd pipeline) to about 13 bcm/year.

The second stage of the project, that is building a new part of 65 km, is to be finished these days, increasing the transit capacity toward Turkey to about 16 bcm/year.

The third stage – pipeline of 35 km, which is to be finished in March 2002, shall end the developing process of transit capacities on Romanian territory of natural gas from the Russian Federation toward states in the Balkan area, and the total natural gas transit capacity shall increase to over 28 bcm/year.

CONCERNS REGARDING THE NATURAL GAS TRANSPORT ACTIVITY IMPROVEMENT

The main actions for an appropriate gas transport are orientated to increasing the consumer's safety supplying and observing the provisions related to public service ensuring.

For ensuring the organized framework regarding natural gas allocation within a fair and non discriminatory regime, by Order no. 85/2001 of the Minister of Industry and Resources the establishing of Market Operator was settled within Natural Gas National Dispatching Center into the structure of Transgaz S.A. medias.

The Market Operator has as a main attribution monthly establishing into percentage quantity rates (based upon consumer categories and storage available/necessary) of the necessary of internal production and imported gas according to the licensed distributors' and suppliers' communications.

The procedure is monitored by ANRGN, which analyzes and certifies the funding report made up by the Market Operator regarding the internal availabilities and the import necessary for total covering and balancing of the demand for natural gas on the market.

The establishment of Market Operator has had favorable effects for the activities in the sector, mentioning the efficiency for gas storage, the last year program of 1,337 bcm being reached in August 2001.

1,500 m.c.m. necessary was programmed for storage for 2001, which at this time has already been surpassed, having 1,510 m.c.m. stock. It is estimated that up to the end of the storage cycle 30-50 m.c.m. to be stored, too.

These quantities establish corresponding conditions for taking over the consumption peaks in the cold season, knowing that Romania is more and more dependent by gas import that in the present develops very hardly.

Transgas S.A. had an active presence in completing the import necessary by the supplied quantities as a tax for transit service, and also by gas supplying within a commodity credit obtained for financing the developing works for transit capacities. This gas has the lowest price comparing to other imported gas.

As regarding the modernizing of the measurement process of natural gas quantities, Transgaz S.A. proposes commencing of detailed programs which to lead to real results and represent more than a simple replacing of a regulating-measuring station.

By separating the activities within the sector, each party is interested in modernizing its own systems, by increasing measurement precision and reducing technological loss, without interfering with measures for improving supplied natural gas quality. That's why Transgaz S.A. was the main support for issuing the "Technical Agreement regarding operating of natural gas commercial receiving/delivering stations", document approved by ANRGN, which is going to be an appendix to the Frame Contract for Natural Gas Transport.

These principles are also presented in "Strategy for modernizing the measuring for natural gas quantities within National Transport System", approved by the Boarding Council of the company.

By strengthening the cooperation with ANRGN related to the increase of transported natural gas quality, better services will be possible by maintaining the technological regimes, using a real transport capacity, reducing pressure and technological consumption loss, and improving natural gas measuring conditions.

In regard with the financial activity, the main problem for ensuring development funds is the low level of payments, which leads to a small percentage for sustaining the reducing process for the arrears.

The essential difficulties related to non-payments have direct effects over the payments that the company have to do toward the state, debts being higher than the arrears, but the most important impact is over the very low level of the investment fund.

We have to emphasize the necessity for continuing to develop the regulating framework, which shall have to sustain the efforts of the companies for activity development, mainly for clarifying and establishing solutions for solving the present problems concerning the financial situation, diminishing the financial blockage, increasing the payments etc.

For elaborating the medium and long general strategy regarding developing, modernizing and rehabilitation of natural gas transport system, we have to take into account both the present situation of the company and the macroeconomic trends and evolutions.

The natural gas demand on medium and long term will be influenced mostly by: economic recovery at macro level, structural reforms achievement, especially in industrial sector and electric power generation.

The most important problem that the company has to face is the big investment necessary funds for natural gas transport activity, which cannot be ensured by own sources within the present economic, financial and fiscal conditions.

SOCIETATEA NATIONALA DE TRANSPORT GAZE NATURALE "TRANSGAZ" S.A. MEDIAS

Seminar USAID/UE – Phare
Romania, Poiana Brasov
27 – 28 septembrie 2001

PROFILUL COMPANIEI

Societatea Nationala de Transport Gaze Naturale "TRANSGAZ" S.A., cu sediul in Medias, s-a infiintat in baza Hotararii Guvernului Romaniei nr. 334 din 28 aprilie 2000, in urma divizarii Societatii Nationale de Gaze Naturale "ROMGAZ" S.A.
Capitalul social al societatii este detinut in intregime de statul roman, in calitate de actionar unic, reprezentat de Ministerul Industriei si Resurselor.

Societatea Nationala de Transport Gaze Naturale "TRANSGAZ" are ca obiect principal de activitate transportul, dispecerizarea, tranzitul international al gazelor naturale, cercetarea-proiectarea in domeniul transportului de gaze naturale. "TRANSGAZ" S.A. este operatorul tehnic al sistemului national de conducte magistrale de transport al gazelor naturale, asigura si raspunde de functionarea acestuia in conditii de calitate, siguranta, eficienta economica si protectie a mediului.

Societatea poate desfasura complementar si alte activitati conexe, pentru sustinerea obiectului principal de activitate (exceptand activitatea de achizitionare si comercializare a gazelor din productia interna sau din import), in conformitate cu legislatia in vigoare si cu statutul propriu. Un exemplu in acest sens este activitatea de cercetare-proiectare in domeniul transportului gazelor naturale, materializata prin intermediul "Sucursalei de Cercetare si Proiectare pentru Transport Gaze Naturale", unitate cu o vasta experienta in acest domeniu.

SISTEMUL NATIONAL DE TRANSPORT GAZE NATURALE
- SNT -

Societatea "TRANSGAZ" S.A. dispune de o infrastructura prin care se pot transporta peste 30.000 milioane metri cubi de gaze naturale pe an, sistemul national de transport gaze naturale cuprinzand urmatoarele:

- aproximativ 11.000 km conducte magistrale cu diametrul intre 150-800 mm;
- 6 statii de comprimare gaze pe traseul conductelor;
- peste 600 statii de reglare-masurare-predare a gazelor livrate;
- peste 700 statii de protectie catodica a conductelor de transport gaze naturale;
- sistemul propriu de comunicatii care cuprinde:
    - 55 de retele radio semiduplex, asigurate de un numar de 98 de statii repetoare (Quatantar, MSF, GR 500, GR 300), un numar egal cu cel al sectoarelor de retele radio simplex, care deservesc 1200 de statii radio fixe, mobile si portabile;
    - 40 centrale telefonice automate de diverse capacitati;
    - o retea de radio-relee formata din 11 statii, receptoare, terminale si centrala.

Exploatarea sistemului national de transport se realizeaza prin intermediul a 9 regionale teritoriale, un Dispecerat Central cu sediul la Medias si un Dispecerat National de Gaze cu sediul la Bucuresti.

PROIECTE PRIORITARE

Programul de dezvoltare a activitatii de transport gaze naturale, obiectiv de prima importanta prevazut in strategia societatii, este structurat pe trei directii principale care au fost fundamentate din ratiuni privind necesitatea reabilitarii si restructurarii SNT avand in vedere vechimea si uzura tehnica si morala, si continua dezvoltare a activitatii de transport gaze naturale pe teritoriul Romaniei (Anexa 1):

- Reabilitarea infrastructurii SNT;
- Dezvoltarea Sistemului National de Transport gaze naturale in noi zone de consum gaze;
- Interconectari ale SNT in vederea diversificarii surselor externe de alimentare cu gaze si dezvoltarea tranzitului international de gaze.

Avand in vedere vechimea si uzura, reabilitarea si restructurarea sistemului national de transport gaze se impune ca o necesitate. In acest sens, in perioada 1999 – 2000 au fost angajate serviciile firmei de consultanta Pipeline Engineering Gmbh Germania, care au elaborat lucrarea: " Studiu de fezabilitate pentru evaluarea, reorganizarea, reabilitarea si modernizarea sistemului national de transport gaze naturale". Scopul acestui studiu a fost acela de a identifica masurile ce trebuiesc luate in scopul reabilitarii, modul de abordare al acestora in functie de importanta si stabilirea prioritatilor.

In cele ce urmeaza vom prezenta pe scurt rezultatele acestui studiu, ele reprezentand actualmente pentru S.N.T.G.N. TRANSGAZ S.A. prioritati de investitii in vederea reabilitarii sistemului national de transport gaze naturale.

Configuratia si structura actuala a sistemului de transport a rezultat ca urmare a evolutiei surselor si consumurilor din ultimii 30-40 de ani. Importantele restructurari ale consumurilor si surselor din ultimii ani, precum si o analiza a evolutiei pietei de gaze in perspectiva anului 2010 vor determina noua configuratie a sistemului.
La unele conducte se va putea renunta sau gasi o noua destinatie, altele vor fi reconditionate sau inlocuite, iar unele ramuri si derivatii noi vor trebui construite.

Din analiza situatiei actuale a sistemului de conducte de transport rezulta urmatoarele date sintetice:

- Lungimea totala (exclusiv conducte tranzit): 10.200 km, din care
  - -4.760 km conducte de transport
  - -5.500 km "conducte de repartitie" si "ramuri"

- Lungimea conductelor cu presiune de regim 25-40 bar: 7700 km, din care:
  - -7.000 km conducte de inalta presiune (> 40 bar)
  - -4.000 km cu o vechime de exploatare mai mare de 30 de ani
  - -5.760 km conducte cu diametrul mai mare de 20 inch

- Lungimea conductelor operate in prezent sub presiunea de 16 bar: 5.700 km

Desi la prima vedere, intregul sistem de transport isi are importanta sa, totusi s-a hotarat ca partea cea mai importanta este reprezentata de cei 7.700 km de conducte cu presiuni de regim de 25-40 bar,

din care dupa diametru aproximativ 75% au peste 20 inches, iar dupa vechime peste 50% au mai mult de 30 de ani.
Aceasta categorie de conducte reprezinta arhitectura de baza (scheletul actual) a sistemului national de transport si va fi subiectul principal al reconfigurarii viitorului sistem.

In ultimii ani, volumul conductelor reparate capital a reprezentat o medie de cca. 180 km/an, ceea ce este insuficient si conduce treptat la o stare tehnica neadecvata functionarii in limite de siguranta a sistemului intr-un interval de 5-10 ani.
Pentru reabilitarea in urmatorii 10-15 ani a intregului sistem de conducte magistrale de gaze naturale, se apreciaza ca trebuie inlocuite anual minimum 200-300 km de conducte cu diametre diferite, ceea ce ar reprezenta un volum de investitii cu reparatiile capitale de cca. 50-60 milioane USD/an.

Privitor la instalatiile tehnologice aferente sistemului national de transport gaze, studiul recomanda concentrarea investitiilor in urmatoarele scopuri:

1. Cea mai mare prioritate o reprezinta imbunatatirea sistemului de protectie catodica in vederea stoparii degradarii in continuare si pentru mentinerea starii actuale a sistemului conductelor de transport.
2. Cea de-a doua masura importanta este de a reduce riscul transportului la presiune ridicata, prin inlocuirea subtraversarilor de sosele si de cai ferate.
3. A treia masura este inlocuirea succesiva a tuturor SRM-urilor cu unele care sunt acceptate international.

In scopul dezvoltarii in continuare a sistemului national de transport gaze, Transgaz S.A. acorda o atentie deosebita posibilitatii de interconectare cu sistemele de transport din tarile vecine, in vederea realizarii importurilor din Federatia Rusa (in prezent) sau din alte surse (in viitor), precum si dezvoltarii capacitatilor de tranzit pe teritoriul tarii noastre (Anexa 2).

Din realizarile deosebite se mentioneaza finalizarea si punerea in functiune, la sfarsitul anului 1999, a conductei de interconectare a sistemului de transport gaze romanesc cu cel ucrainian in zona Satu Mare, precum si statia de preluare a gazelor naturale din import de la Mediesu Aurit. De asemenea se precizeaza planificarea finalizarii in anul 2001 a conductei 28" Taga – Sarmasel, care va asigura capacitatea necesara pentru inmagazinarea in depozitul subteran Sarmasel a unor cantitati de gaze preluate pe directia Hust – Satu Mare.
Activitatea de tranzitul international de gaze a luat fiinta in anul 1974, prin construirea primei conducte de tranzit spre Bulgaria, cu o capacitate de 8 mld.m.c./an. In anul 1989, prin punerea in functiune a celei de-a doua conducte de tranzit spre Turcia, capacitatea de tranzit pe teritoriul Romaniei ajunge la 10 mld.m.c./an.

In ceea ce priveste dezvoltarea acestei capacitati pe teritoriul Romaniei, se afla in constructie cea de-a treia conducta de tranzit a gazelor naturale din Federatia Rusa catre terte tari, si anume conducta Dn 1200 mm x 5,4 Mpa, Isaccea – Negru Voda.

Primul tronson al acestei conducte, in lungime aproximativa de 90 km, a fost pus in functiune in decembrie 2000, acest lucru ducand la marirea capacitatii de transport de la 10 mld.m.c./an (capacitate realizata pe conducta existenta Dn 1200 mm), la circa 13 mld.m.c./an.

Finalizarea etapei a doua a proiectului ce consta din realizarea unui tronson in continuare, in lungime de 65 km, urmeaza a avea loc zilele acestea ceea ce va conduce la cresterea capacitatii de tranzit pe relatia Turcia la circa 16 mld.m.c./an.
Etapa a treia – tronson de conducta in lungime de 35 km, lucrare care are termen de finalizare luna martie 2002, va incheia proiectul de dezvoltare a capacitatilor de tranzit pe teritoriul Romaniei a gazelor din Federatia Rusa catre tari din Regiunea Balcanica, iar capacitatea totala de tranzitare a gazelor va creste la peste 28 mld.m.c./an.

PREOCUPARI PRIVIND IMBUNATATIREA ACTIVITATII DE TRANSPORT GAZE NATURALE

Principalele actiuni pentru desfasurarea corespunzatoare a transportului de gaze sunt orientate catre cresterea sigurantei alimentarii cu gaze a consumatorilor si respectarea prevederilor referitoare la asigurarea serviciului public.
In vederea asigurarii unui cadru organizat privind alocarea in regim echitabil si nediscriminatoriu a gazelor naturale s-a organizat si aprobat prin Ordinul nr. 85/2001 al ministrului industriei si resurselor infiintarea Operatorului de Piata in cadrul Dispeceratului National de gaze naturale din structura Transgaz SA Medias.
Operatorul de Piata are ca atributie principala stabilirea lunara in cote procentuale cantitative (pe categorii de consumatori si disponibil/necesar de inmagazinare) a necesarului de gaze din productia interna si din import pe baza comunicarilor distribuitorilor si funizorilor licentiati.
Procedura este monitorizata de ANRGN care analizeaza si avizeaza raportul de fundamentare intocmit de Operatorul de Piata, privind diponibilitatile interne si necesarul din import pentru acoperirea integrala si echilibrarea cereri de gaze de pe piata.

Infiintarea Operatorului de Piata a avut efecte benefice pentru activitatile din sector, mentionandu-se efiecenta inregistrata pentru imbunatatirea substantiala a cantitatilor de gaze inmagazinate, programul de anul trecut de 1337 milioane mc fiind atins in luna august 2001.
Pentru anul 2001 s-a programat un necesar de 1500 milioane mc care la acesta ora este depasit fiind deja inregistrat un stoc de 1510 milioane mc estimandu-se ca pana la finalul ciclului de depozitare sa fie inmagazinate inca 30 – 50 milioane mc.

Acestea creeaza conditii corespunzatoare pentru preluarea varfurilor de consum in sezonul rece fiind cunoscuta dependenta tot mai accentuata a Romaniei fata de importul de gaze, care in prezent se deruleaza destul de greoi.
Transgaz SA si-a adus o contributie semnificativa la completarea necesarului din import prin cantitatile furnizate ca plata a serviciului de tranzit gaze, dar si prin livrarile de gaze in cadrul creditului marfa obtinut pentru finantarea lucrarilor de dezvoltare a capacitatilor de tranzit, care au cel mai mic pret comparative cu alte gaze din import.

Referitor la actiunile ce trebuie derulate pentru modernizarea procesului de masurare a cantitatilor de gaze naturale, Transgaz SA isi propune demararea unor procese detaliate care sa conduca la rezultate concrete si care reprezinta mai mult decat simpla inlocuire a unei statii de reglare – masurare.
Prin separarea activitatilor din sector fiecare parte este interesata in modernizarea propriilor sisteme, prin cresterea preciziei de masurare si reducerea pierderilor tehnologice, fara a se interveni si cu masuri pentru imbunatatirea calitatii gaze furnizate. Din aceste motive, Transgaz SA a fost principalul sustinator pentru elaborarea "Acordului Tehnic privind exploatarea punctelor de

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primire/predare comerciala a gazelor naturale" document care va fi publicat de ANRGN si va constitui anexa la Contractul Cadru de Transport gaze naturale.
Aceste considerente sunt cuprinse in "Strategia modernizarii masurarii cantitatilor de gaze naturale in Sistemul National de Transport" aprobat de catre Consiliul de Administratie al societatii.
Prin intarirea colaborarii cu ANRGN in privinta preocuparilor pentru cresterea calitatii gazelor transportate se vor crea premise pentru imbunatatirea serviciilor prin mentinerea regimurilor tehnologice, utilizarea unei capacitatii reale de transport, reducerea pierderilor de presiune, a consumurilor tehnologice suplimentare si imbunatatirii conditiilor de masurare a gazelor.

In ceea ce priveste activitatea economico-financiara, principala problema pentru asigurarea fondurilor de dezvoltare este reprezentata de nivelul extrem de redus al incasarilor care conduce la un procent redus de sustinere a procesului de reducere a arieratelor.
Dificultatile majore legate de neincasari, creantele fiind mai mari decat arieratele au efecte directe asupra achitarii obligatiilor societatii la fondurile de stat, dar cel mai important impact este asupra nivelului foarte scazut al fondurilor pentru investitii.
Este de subliniat necesitatea continuarii dezvoltarii cadrului de reglementari care vor trebui sa sustina eforturile societatilor in dezvoltarea activitatii, in principal pentru clarificarea si stabilirea de solutii pentru rezolvarea problemelor actuale privind situatia economica, financiara, diminuarea blocajului financiar, cresterea incasarilor etc.

In elaborarea strategiei generale pe termen mediu si lung, privind dezvoltarea, modernizarea si reabilitarea sistemului de transport gaze naturale, trebuie luata in considerare atat situatia actuala la nivelul societatii, cat si evolutiile si tendintele macroeconomice.
Trebuie avut in vedere ca cererea de gaze naturale pe termen mediu si lung va fi influentata in cea mai mare masura de: redresarea economica la nivel macro, realizarea reformelor structurale in special in sectorul industrial si cel al producerii energiei electrice.
Cea mai importanta problema cu care se confrunta societatea in dezvoltarea activitatii este reprezentata de necesarul de fonduri mari de investitii ce caracterizeaza in general activitatea de transport a gazelor naturale si care nu pot fi asigurate din sursele proprii in conditiile economice, financiare si fiscale actuale.

Phare

CONSULECTRA

Remarks by

Uwe Gayh

CONSULECTRA

Joint USAID/EU Phare Conference on the
Transition of the Romanian Market for Natural Gas
Poiana Brasov
27 September 2001

Conferinta comuna USAID/EU Phare privind
Trecerea Romaniei catre piata de gaze naturale
Poiana Brasov
27 septembrie 2001

Assistance in the Establishment of a Gas Regulatory Authority in Romania

Areas of assistance:

1 Review primary/strategy secondary legislation
2 Organisational structure and management plan
2.1 Review of structure and management plan
2.2 Medium term development plan
3 Tariff methodology
3.1 Review existing system/ development of methodology
3.2 Implementation of pricing and tariff system
4 Drafting of authorisations and licenses
4.1 Framework authorisations and licenses
4.2 Standardised authorisations and licenses
5 System for monitoring compliance
6 Rules for eligibility
7 Screening secondary legislation
8 Logistical support
9 Training/institutional development
9.1 Institutional development and staffing
9.2 Training needs assessment
9.3 Implementation of training programme

CONSULECTRA

Unternehmensberatung GmbH

A 100 % subsidiary Hamburgische Electricitäts-Werke AG (HEW)

Consultancy since 1974

Other main shareholding of HEW Group :

- VEAG (Electricity generation and transmission company of former GDR)
- LAUBAG (Lignite coal mine)
- WEMAG (Electricity distribution company of Westmecklenburg)
- Hein Gas (until 2001)
- BEWAG (joint ownership with MIRANT of the Berlin electricity company)

Ownership of HEW shares:

- Vattenfall S.A. (ca. 70%), Sweden
- State Hamburg (ca. 25%), Germany
- Widespread (ca. 5%)

Asistenta in Stabilizarea unei Autoritati de Reglementare in Domeniul Gazelor naturale in Romania

Domenii de asistenta:

1 Trecerea in revista a legislatiei primare si a strategiei pentru legislatia secundara

2 Structura organizatorica si planul managerial

2.1 Trecerea in revista a structurii si planului managerial

2.2 Planul de dezvoltare pe termen mediu

3 Metodologia de tarifare

3.1 Trecerea in revista a sistemului existent/ dezvoltarea metodologiei

3.2 Implementarea sistemului de stabilire a preturilor si tarifelor

4 Redactarea autorizatiilor si licentelor

4.1 Autorizatii si licente cadru

4.2 Autorizatii si licente standardizate

5 Sistemul de monitorizare a acordului

6 Regulile eligibilitatii

7 Selectarea legislatiei secundare

8 Suportul logistic

	RO9805.01.01.01	**CONSULECTRA** Unternehmensberatung GmbH HAMBURG

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CONSULECTRA

Unternehmensberatung GmbH

O filiala 100 % Hamburgische Electricitäts-Werke AG (HEW)

Consultanta din 1974

Alte detinatoare de actiuni ale Grupului HEW :

- VEAG (Compania de generare a electricitatii si transport in fosta GDR)
- LAUBAG (Mina de lignit)
- WEMAG (Compania de distributie a electricitatii din Westmecklenburg)
- Hein Gas (pana in 2001)
- BEWAG (proprietate comuna cu MIRANT a companiei de electricitate Berlin)

Detinatoarea actiunilor HEW :

- Vattenfall S.A. (ca. 70%), Suedia
- Statul Hamburg (ca. 25%), Germania
- Widespread (ca. 5%)

9 Instruire/dezvoltare institutionala

9.1 Dezvoltare institutionala si completarea cu personal

9.2 Evaluarea necesitatilor de instruire

9.3 Implementarea programului de instruire

Dr. Dörte Fouquet

Common rules for a common European market in natural gas

The Directive 98/30/EC of the European Parliament and the Council concerning common rules for the internal market in natural gas defines those common rules for the

- transmission,
- distribution,
- supply and
- storage of natural gas.

It regulates moreover the

- organisation and functioning of the gas sector, also concerning liquefied natural gas (LNG),
- access to the market,
- operation of the systems, and
- criteria and procedures for
- the granting of
    - authorisations for
        - transmission,
        - distribution,
        - supply and
        - storage of natural gas.

The most important parts of the Directive concerning the gas market, which should be reflected in the national Romanian legislation, are:

- Open access to the system in accordance with the Directive which should lead to a sufficient and where appropriate to a comparable level of opening-ups of markets in different Member States, following objective, transparent and non - discriminatory criteria
- Interconnection and interoperability of the systems, especially via transparent technical requirements
- Basic unified rules for transmission network undertakings storage and LNG – undertakings, for distribution and supply companies
- Security of supply, especially concerning imports
- Non discriminatory possibility of gas companies to operate on the domestic market
- Transparency and specific attention concerning the long-term take-or-pay contracts under attention to specific Member State's interest in secure supply structures and foreseeable price schemes

- Establishing of basic criteria and procedures for national regulations concerning construction or operating of relevant facilities and rules regarding transmission, storage and liquefied gas undertakings, as well as to distribution and supply *undertakings*
- High degree of transparency of the accounts of all integrative gas undertakings for different activities in order to avoid discrimination, cross-subsidising and other distortions of competition
- Provision for safeguards and dispute settlement procedures
- Avoidance of any abuse of dominant position or any predatory behaviour

Dr. Dörte Fouquet

Reguli comune pentru o piata Europeana comuna in sectorul gazelor naturale

Directiva 98/30/CE a Parlamentului European si a Consiliului privind regulile comune pentru piata din sectorul gazelor naturale defineste aceste reguli comune pentru

- transport,
- distributie,
- furnizare si
- inmagazinarea gazelor naturale.

Mai mult reglementeaza

- organizarea si functionarea sectorului de gaze naturale, privind de asemenea gazele naturale lichefiate (LNG),
- accesul pe piata,
- functionarea sistemelor, si
- criteriile si procedurile de
- acordare a
  - autorizatiilor pentru
    - transport,
    - distributie,
    - furnizare si
    - inmagazinare a gazelor naturale.

Cele mai importante parti ale Directivei privind piata de gaze, care ar trebui sa se reflecte in legislatia Romaniei, sunt:

- Acces liber la sistem potrivit Directivei care trebui sa duca la un nivel suficient si acolo unde este potrivit la un nivel comparabil al deschiderilor pietelor in diferite State Membre, urmarind criterii obiective, transparente si nediscriminatorii
- Interconectarea si interfunctionarea sistemelor, in deosebi prin cerinte tehnice transparente
- Reguli de baza unite pentru sarcinile retelei de transport, inmagazinare si LNG – sarcinile, companiilor de distributie si furnizare
- Siguranta furnizarii, in special in ceea ca priveste importurile
- Posibilitatea nediscriminatorie a companiilor de gaze de a functiona pe piata interna
- Transparenta si deosebita atentie privind contractele take-or-pay pe termen lung in atentia interesului deosebit al Statelor Membre de a asigura structuri de furnizare si planuri/ stratageme ale pretului care pot fi prevazute

- Stabilirea criteriilor de baza si a procedurilor pentru reglementarile nationale privind crearea si functionarea facilitatilor relevante si a regulilor privind companiile de transport, inmagazinare si gaze lichefiate, ca si de companiile de distributie si furnizare

- Un grad mare de transparenta al conturilor companiilor integrate din sectorul gazelor pentru diferite activitati pentru a evita discriminarea, subventionarea incrucisata si alte distorsiuni ale concurentei

- Prevederea pentru garantii si procedurile de arbitrare a litigiilor

- Evitarea oricarui abuz de pozitie dominanta sau a orcarui comportament abuziv

Ghislaine Brandolini

Phare Project: "Assistance in the Establishment of a Gas Regulatory Authority"

Conference in Poiana Brasov on
"Liberalisation of the Romanian market for Natural Gas and assistance rendered by USAID and Phare "

28 September 2001

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Slide I

The challenge ahead.

Throughout the past six months we had the opportunity to explore a number of areas that are important to the ANRGN. Mostly, we talked about:

- Enlargement – the Acquis Communautaire
- Privatization, Restructuring and Utility Regulation
- Basic Economic Principles

This is an occasion to draw some conclusions, identify challenges and even more importantly look at the opportunities ahead.

Slide 2

Enlargement of the European Union

The last EU summits (Nice, Stockholm) front-loaded finalization of membership negotiations. Five candidate countries are now scheduled to wrap up negotiations by the end of 2002 and participate in European Parliament elections by 2004.

This means that the Romanian authorities will increasingly be pressured to step up accession and the workload to prepare for the chapter negotiations will grow exponentially.

Slide 3

The Acquis Communautaire

Information Asymmetries

Specifically the negotiations focus on the adoption of the Acquis and in the case of the gas sector, the implementation of the Union's gas directive. The burden of proof will be on the shoulders of the negotiators and this will entail moving ahead without unnecessary delay with the liberalization and privatization of the Romanian market.

The ANRGN will need to assist the central government in this momentous task and will be challenged to avoid information asymmetries. Uncertainty or lack of accurate estimates informing the authorities of the external effects of by-products, new products or agents' actions could seriously hamper the ability of the Romanian negotiating team to communicate the progress made.

Slide 4

The Acquis Communautaire

The Cost of Regulation

Full implementation of the Gas directive will necessarily involve a redistribution of resources.

As Romania's economy opens up, pressures to become more competitive drive the call for regulatory reform in almost all sectors to reduce costs and foster increased productivity, competitiveness, and growth. The energy sector, however, is an area where there will be an increased interest in regulation. Restructuring and privatization will be accompanied by a call for a companion and effective regulatory framework.

Regulation can be used as a tool for achieving political objectives, such as transferring wealth to particular interest groups in exchange for political support. The bill for these costs is paid partly by the firms that are regulated and partly by the rest of society, depending on the ability of the firms to raise prices in the product markets. The challenge here will be to avoid abuse for political rather than for economic – welfare – objectives and to make sure that surpluses are not transferred from consumers to producers.

Slide 5

The Acquis Communautaire ?

The regulator – treading the fault-line between civil society and the state.

The aim of regulation is to protect consumers whilst ensuring companies remain viable and have an incentive to operate efficiently. Regulators have been compared to simple firefighters. I disagree with this -- the work of regulators continuously effects the expectations of both producers and consumers, which in turn determines their short-term and long-term decision-making nd thus behavior.

Slide 6

So modern regulators do a lot more fire fighting – regulators are taking the place of government in many key areas. In countries that are moving towards liberal democracies and away from central planning economies, the regulators are stand-bearers for a different way of doing business – they are charting a new course and have become important agents of change. In fact, given the track record of most EU member states (with the exception of, for instance the UK, and Italy) in the gas sector, the EU might have to start using the candidate countries'progress as a model for further institutional reform at home.

The real challenge here is to recognize how important it is that the regulator does its job well, is effective and remains relevant.

Slide 7

How to better prepare.

My mother always told me that I should always question my own actions and assess whether I was actually doing the right thing. In the area of regulation this translates into subjecting the performance of the ANRGN on a continuous basis to a cost-benefit analysis.

Slide 8

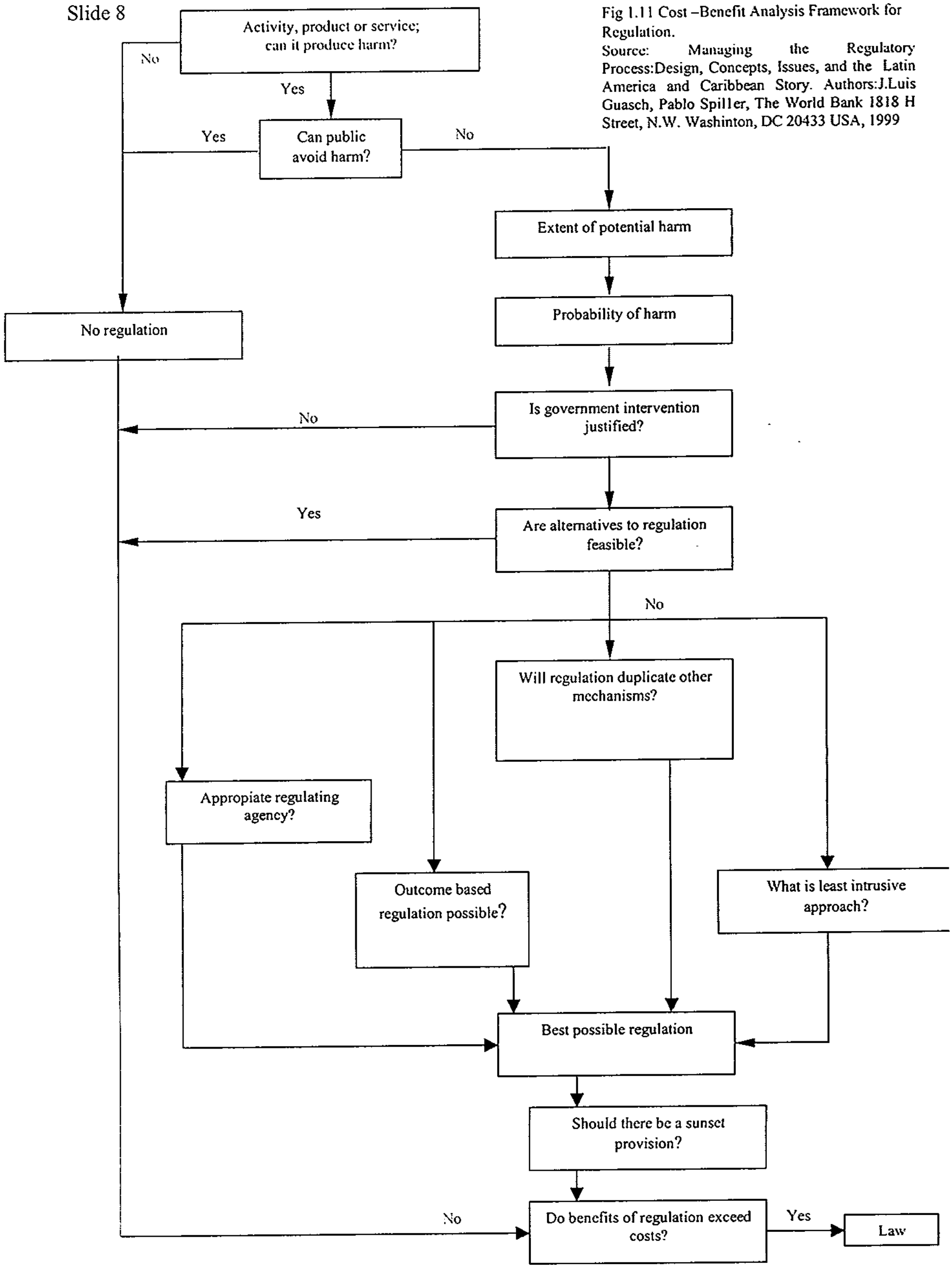

Fig 1.11 Cost –Benefit Analysis Framework for Regulation.
Source: Managing the Regulatory Process:Design, Concepts, Issues, and the Latin America and Caribbean Story. Authors:J.Luis Guasch, Pablo Spiller, The World Bank 1818 H Street, N.W. Washinton, DC 20433 USA, 1999

Slide 9

The need for a strategy and vision.

The challenge here will be to incorporate this impact assessment into the procedures of the agency and to ensure that the analyses are both prospective and retrospective. However, to get the process started the focus should be on developing an information management system that is low cost and implementable.

Slide 10

The need for flexibility

Flexibility should also be allowed for – both consumers and producers should be allowed to innovate in response to regulation. The amount of flexibility in regulatory policies should be based, in part, on the ability of the administrative agency to effectively implement the policy. It should always be kept in mind that regulations often have unexpected and perverse consequences. Hence, the challenge here is to proceed with extreme care and to err on the side of caution. What is really called for is well thought out strategy because this will be critical to the success of the ANRGN's job.

Slide 11

Conclusion

Throughout the training courses, which I conducted, I have tried to explain the concept of dynamic equilibria such as the equilibria involved in the law of Supply and Demand and the voting patterns of certain electoral groups in France and Germany. In fact, economists and sociologists have examined the concepts in great detail and have written many tomes on their applications. The environment in which the ANRGN now has to operate, I would call a text book laboratory to examine the mechanics of a dynamic equilibrium at work. However, to ensure equity and fairness, ANRGN management will have to chart a steady course and be extremely conscience of the great responsibility, which rests on their shoulder. During my three missions to Bucharest I got to know some of the people at the agency, and I am quite confident that they will be able to step up to the plate and do a good job.

Ghislaine Brandolini

Proiect Phare: "Asistenta in Stabilizarea unei Autoritati de Reglementare in Sectorul Gazelor Naturale"

Conferinta la Poiana Brasov pe tema
"Liberalizarea pietei romanesti de gaze naturale si asistenta oferita de USAID si Phare "

28 septembrie 2001

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Slide 1

Provocarea din fata noastra.

In ultimele sase luni am avut posibilitatea de a cerceta un numar de domenii care sunt importante pentru ANRGN. In principal, am discutat despre :

- Extindere – Acquis-ul Comunitar
- Privatizare, restructurare si reglementarea serviciului public
- Principii economice de baza

Aceasta este o ocazie de a ajunge la unele concluzii, de a identifica provocarile si de a acorda mai multa importanta oportunitatilor ce se deschid.

Slide 2

Extinderea Uniunii Europene

Ultimele summit-uri ale Uniunii Europene (la Nisa, Stockholm) s-au concentrat pe finalizarea negocierilor de aderare. Cinci tari candidate sunt acum programate sa continue negocierile pana la sfarsitul lui 2002 si sa participe la alegerile din Parlamentul European in 2004.

Aceasta inseamna ca va fi nevoie ca autoritatile romanesti sa grabeasca aderarea, iar cantitatea de munca pentru pregatirea negocierilor va spori.

Slide 3

Acquis-ul Comunitar

Neconcordante in informatii

In mod specific, negocierile se concentreaza pe adoptarea Acquis-ului, iar pentru sectorul de gaze naturale pe implementarea directivei de gaz a Uniunii. Raspunderea va apartine negociatorilor, iar aceasta va determina continuarea fara intarziere a liberalizarii si privatizarii pietei romanesti.

ANRGN va trebui sa asiste guvernul in aceasta sarcina si va trebui sa evite neconcordantele in informatii. Nesiguranta sau lipsa unor estimari precise care sa informeze autoritatile despre efectele unor produse secundare, ale produselor noi sau ale actiunilor agentilor, ar putea impiedica serios echipa romaneasca de negociere in comunicarea progresului inregistrat.

Slide 4

Acquis-ul Comunitar

Costul Reglementarii

Implementarea completa a Directivei de gaz va implica, in mod necesar, o redistribuire a resurselor.

Cum economia romaneasca se deschide, dorinta de a deveni mai competitiva atrage reforma reglementativa in aproape toate sectoarele pentru reducerea costurilor si pentru a sprijini o mai mare productivitate, concurenta si dezvoltare. Sectorul energetic este totusi un domeniu unde va exista un interes tot mai mare pentru reglementare. Restructurarea si privatizarea vor fi insotite de nevoia unui cadru reglementativ eficace.

Reglementarea poate fi folosita ca un instrument pentru atingerea unor obiective politice, cum ar fi transferul de fonduri catre grupuri particulare in schimbul sprijinului politic. Factura acestor costuri este platita in parte de catre firmele care sunt reglemenate si in parte de catre restul societatii, in functie de abilitatea acestor firme de a creste preturile pe piete. Provocarea va consta aici in a se evita abuzul unor obiective de bunastare mai mult politica decat economica si de a asigura ca surplusurile nu sunt transferate de la consumatori la producatori.

Slide 5

Acquis-ul Comunitar?

Reglementatorul – se afla la punctul dintre societatea civila si stat.

Scopul reglementatorului este de a proteja consumatorii in timp ce se asigura ca societatile raman viabile si au un stimulent pentru o functionare eficienta. Reglementatorii au fost comparati cu cei care lupta cu focul. Eu nu sunt de acord cu aceasta – munca reglementatorilor trebuie sa corespunda continuu asteptarilor producatorilor si consumatorilor, ceea ce determina in schimb deciziile acestora pe termen scurt si pe termen lung.

Slide 6

Reglementatori atat de moderni lupta mult cu focul – reglementatorii iau locul guvernului in multe domenii importante. In tarile care se indreapta catre o democratie progresista si se indeparteaza de economia centralizata, reglementatorii sunt sustinatori ai unor moduri diferite de a conduce afacerile – ei traseaza o noua conduita si au devenit agenti importanti de schimb. De fapt, data fiind experienta in sectorul de gaze a majoritatii Statelor Membre (exceptie facand, de exemplu, Marea Britanie si Italia), ar putea fi nevoie ca Uniunea Europeana sa inceapa sa foloseasca progresul tarilor candidate ca un model pentru continuarea reformei institutionale.

Adevarata provocare consta in a recunoaste cat de important este ca reglementatorul sa-si efectueze bine activitatea, sa fie eficient si sa ramana relevant.

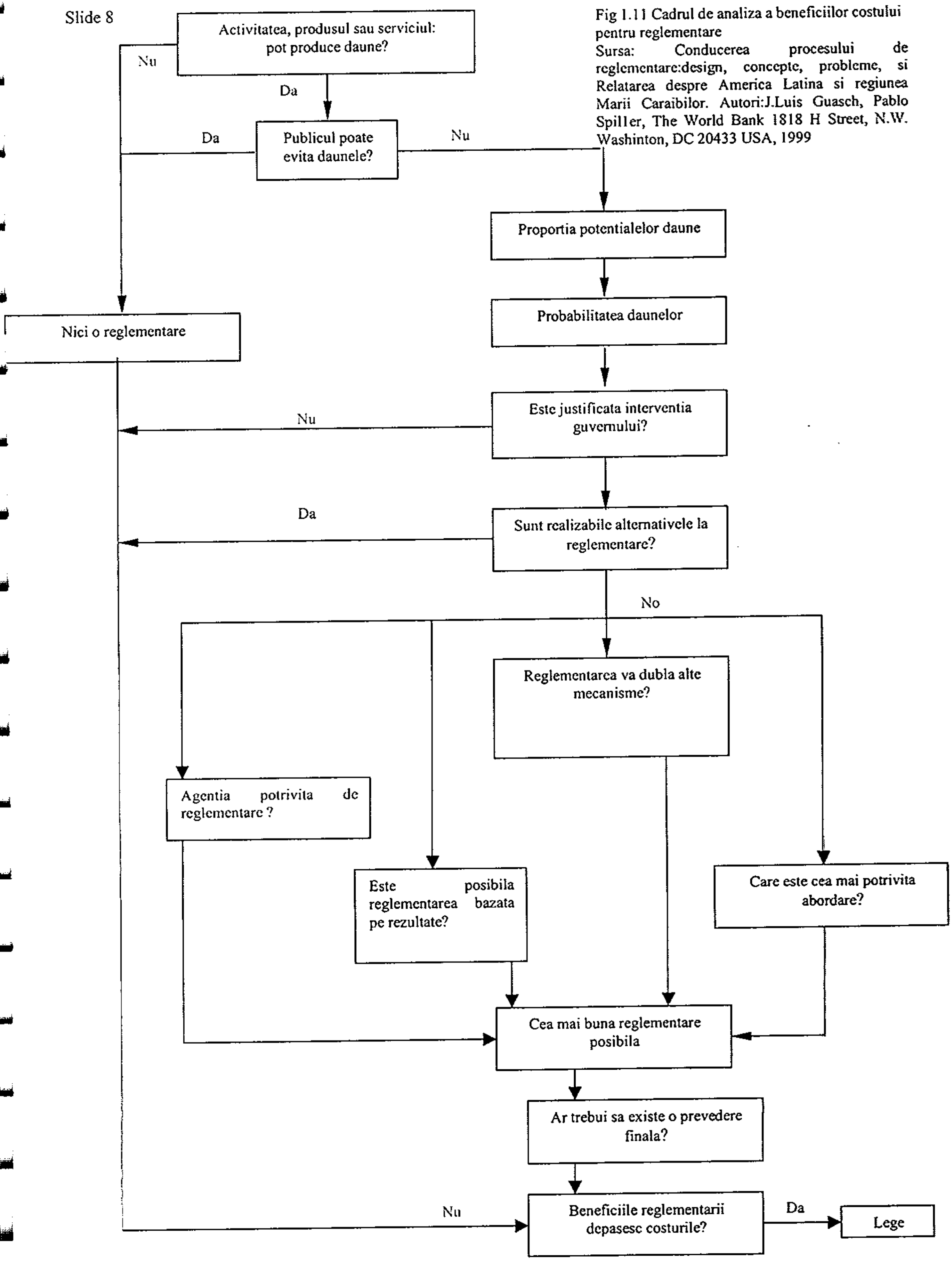
Slide 7

O pregatire mai buna.

Mama imi spunea mereu ca ar trebui sa-mi examinez intotdeauna propriile actiuni si sa evaluez daca am facut intr-adevar ceea ce trebuie.In domeniul reglementarii aceasta inseamna a supune performantele ANRGN unei analize a beneficiilor costului.

Slide 8

Fig 1.11 Cadrul de analiza a beneficiilor costului pentru reglementare
Sursa: Conducerea procesului de reglementare:design, concepte, probleme, si Relatarea despre America Latina si regiunea Marii Caraibilor. Autori:J.Luis Guasch, Pablo Spiller, The World Bank 1818 H Street, N.W. Washinton, DC 20433 USA, 1999



Slide 9

Nevoia unei strategii si a unei conceptii.

Aici provocarea va consta in a incorpora aceasta evaluare a impactului in procedurile agentiei si in a garanta ca analizele sunt facute atat pentru viitor cat si retrospectiv. Totusi, pentru a se incepe acest proces, accentul ar trebui sa fie pe dezvoltarea unui sistem de managamentul informatiei care sa aiba un cost redus si sa fie implementabil.

Slide 10

Nevoia de flexibilitate

Flexibilitatea ar trebui permisa - ar trebui sa le fie permis atat consumatorilor cat si producatorilor sa aduca inovatii in raspunsul la reglementare. Flexibilitatea in politicile reglementative ar trebui sa fie bazata, in parte, pe abilitatea agentiei administrative de a implementa politica in mod eficient. Ar trebui sa se tina mereu cont de faptul ca reglementarile au adesea consecinte neasteptate. De aici provocarea de a proceda cu foarte multa grija. Ceea ce este intr-adevar necesar este o strategie bine gandita, pentru ca acest lucru este esential pentru succesul activitatii ANRGN.

Slide 11

Concluzie

In timpul cursurilor de instruire pe care le-am condus am incercat sa explic conceptul de echilibre dinamice, cum ar fi cele implicate in Legea Cererii si Ofertei, si modelele de votare ale anumitor grupuri electorale din Franta si Germania. De fapt, economistii si sociologii au examinat in detaliu conceptele si au scris multe volume despre aplicatiile lor. As numi mediul in care trebuie sa functioneze acum ANRGN un laborator care sa examineze mecanicile unui echilibru dinamic la munca. Totusi, pentru a asigura egalitatea si nediscriminarea, conducerea ANRGN va trebui sa planuiasca o conduita precisa si sa fie foarte constienta de marea responsabilitate care ii revine. In timpul celor trei misiuni de la Bucuresti am ajuns sa cunosc unii dintre oamenii de la agentie si am incredere ca vor reusi sa depaseasca difcultatile si sa aiba o activitate eficienta.

PHARE PROGRAMME RO9805-01-01-01

GAS TARIFFS FOR THIRD PARTY ACCESS

KANTOR
Management Consultants

Poiana Brasov, September 2001

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1 INTRODUCTION

2 GAS TARIFF PRINCIPLES IN RTPA

3 OTHER ISSUES

4 THE INTERNATIONAL EXPERIENCE

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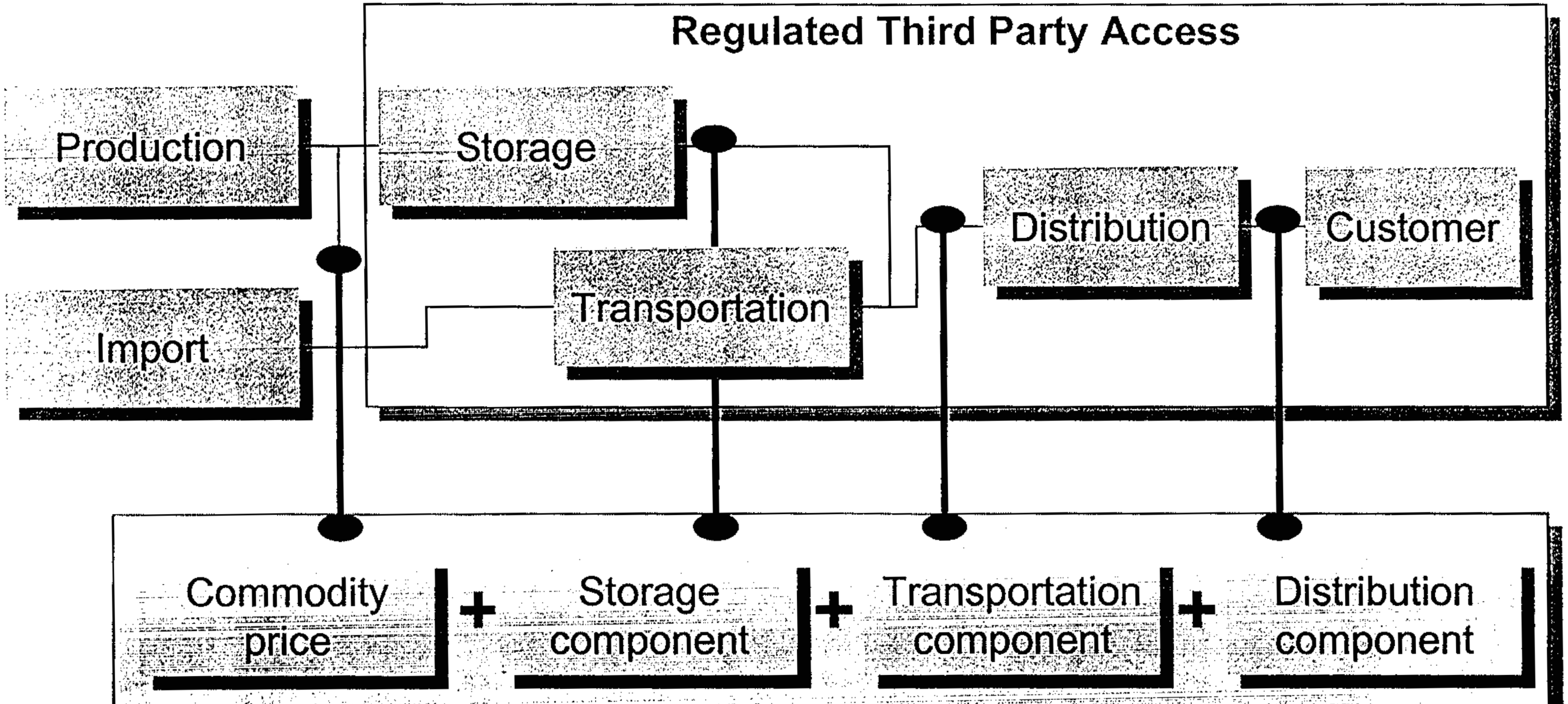
INTRODUCTION

TARIFFS IN THE NATURAL GAS SYSTEM



In liberalized markets the gas price is formulated according to the service provided

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GAS TARIFF PRINCIPLES in RTPA

2

DESIRABLE GAS TARIFF PROPERTIES

Properties	Description
Efficiency	Provide the right signals to promote economic efficiency (optimal allocation of resources) and dynamic efficiency (sustainability over time)
Cost recovery	Allow companies to recover the economic costs of their operations
Transparency	Clear, well defined and understandable tariff structure
Predictability	Well defined procedure for tariff setting Long time path for tariff regime – Frequency of regulatory review
Non-discrimination	Avoid cross subsidization Allocate costs fairly in full correspondence to business activities
Simplicity	Avoid unnecessary complication Minimize cost of tariff setting implementation

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GAS TARIFF PRINCIPLES in RTPA

2

TWO MAJOR GAS TARIFF SYSTEMS

Cost plus system

The regulator approves mainly costs and consequently tariffs for the regulated companies on the basis of submission, allowing them to recover all their costs and a reasonable profit. The regulator presses for cost reductions according to the calculation of an efficiency factor (x) on a case by case basis.

Price cap system

The regulator sets a maximum tariff for the regulated company at the beginning of the period of regulation. This tariff is increased each year by the consumer price index (CPI) plus justified increases, reduced however by an efficiency improvement (x) considered feasible for the individual companies on the basis of comparative efficiency.

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GAS TARIFF PRINCIPLES in RTPA

2

PROMOTION OF TARIFF PROPERTIES

Cost plus/ price cap system is more likely to promote:

	Cost plus	Price cap
Efficiency		●
Cost recovery	●	
Transparency	●	●
Predictability	●	●
Non-discrimination	●	●
Simplicity		●

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OTHER ISSUES

3

MAJOR ISSUES ON SETTING GAS TARIFF METHODOLOGIES

- Regardless of the tariff system applied, the calculation of the **cost of service** for the companies activities is a common procedure in the development of the gas tariffs
- Major questions that should be answered on the development of gas tariffs:

- Which are the elements of the cost base?
- How is the asset value calculated?
- Which depreciation method should be used?
- How should the return on equity/assets be calculated?
- How are operating costs defined?
- How are future investments affecting the tariff?
- How are costs allocated among the customers?
- ...

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INTERNATIONAL EXPERIENCE

4

SOME EXAMPLES

Cost plus	Price cap
USA	United Kingdom
Belgium	Netherlands
Italy	Spain

- There is no strong preference in favor of cost plus or price cap tariff system
- The choice of the system depends on the specific market environment in each country
- On the theoretical level, the price cap system seems to be more likely to achieve tariff properties of efficiency and simplicity. In practice, the success of any system would depend on how well it is designed and applied in practice

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PHARE PROGRAMME RO9805-01-01-01

TARIFELE GAZELOR PENTRU ACCESUL TERTEI PARTI

Poiana Brasov, Septembrie 2001

KANTOR
Management Consultants

1 INTRODUCERE

2 PRINCIPIILE DE STABILIRE A TARIFELOR GAZELOR IN RTPA

3 ALTE PROBLEME

4 EXPERIENTA INTERNATIONALA

28/

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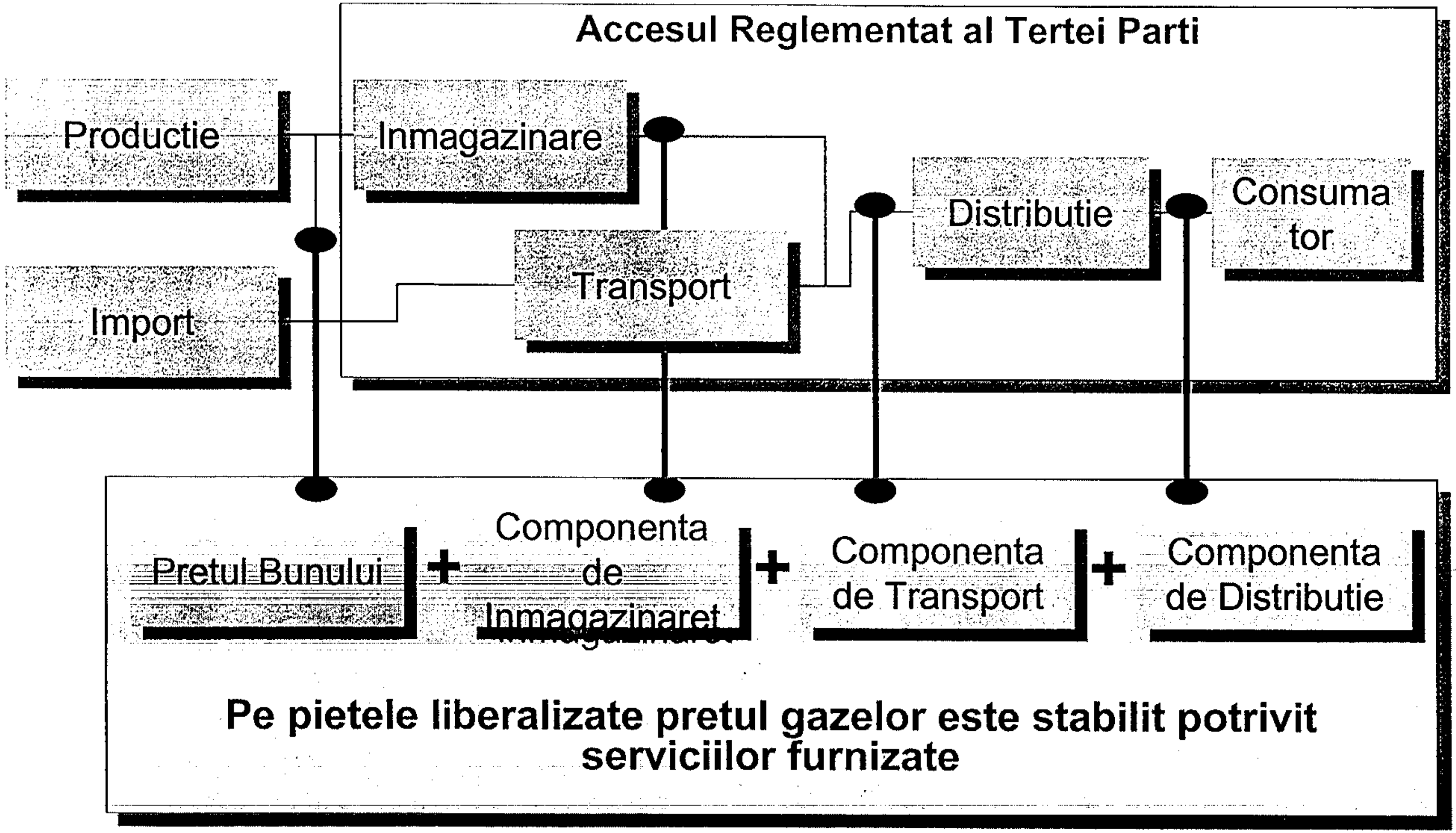
Management Consultants

INTRODUCERE

TARIFE IN SISTEMUL GAZELOR NATURALE



PROPRIETATILE DEZIRABILE ALE TARIFELOR GAZELOR

Proprietati	Descriere
Eficienta	Furnizeaza semnalele corecte de promovare a eficientei economice (alocarea optima a resurselor) si eficienta dinamica (sustinere peste timp)
Recuperarea Costului	Permite companiilor recuperarea costurilor economice a operatiilor
Transparenta	Structura clara, bine definita si de inteles a tarifului
Predictibilitate	Procedura bine definita pentru stabilirea tarifelor Stabilirea unui regim de tarifare pe termen lung – Frecventa revizuirii reglementarilor
Nediscriminare	Evitarea subventionarii incrucisate Alocarea costurilor relativ in corespondenta deplina cu activitatile comerciale
Simplitate	Evitarea complicatiilor inutile Minimalizarea costului de implementare a stabilirii tarifelor

DOUA SISTEME MAJORE DE GAZE

Sistemul cost plus

Reglementatorul aproba in principal costurile si in consecinta tarifele pentru companiile reglementate pe baza inaintarii spre aprobare, permitandu-le sa recupereze toate cheltuielile si un profit rezonabil. Reglementatorul pune cu insistenta problema reducerilor costului potrivit calcularii unui factor de eficienta (x) asupra unui caz de catre baza cazului.

Sistemul de limitei superioare a pretului

La inceputul perioadei de reglementare, reglementatorul stabileste un tarif maxim pentru societatea reglementata. Acest tarif creste an de an prin indexul pretului consumatorului (CPI) la care se adauga cresterile justificate, reduse totusi printr-o imbunatatire a eficientei (x) considerata realizabila pentru societatile individuale pe baza eficientei comparabile.

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PRINCIPIILE DE STABILIRE A TARIFELOR LA GAZE in RTPA 2

PROMOVAREA PROPRIETATILOR TARIFELOR

Sistemul Cost plus/ limita superioara a pretului este posibil sa |

	Cost plus	Limita superioara
Eficienta		●
Recuperarea costului	●	
Transparenta	●	●
Predictibilitate	●	●
Nediscriminarea	●	●
Simplitatea		●

ALTE PROBLEME

PROBLEME MAJORE PRIVIND METODOLOGIILE DE STABILIRE A TARIFELOR DIN SECTORUL GAZELOR

- Indiferent de sistemul de tarifare aplicat, calcularea **costului serviciului** pentru activitatile companiilor este o procedura comuna in dezvoltarea tarifelor din sectorul gazelor
- Intrebari majore la care ar trebui sa se raspunda asupra dezvoltarii tarifelor din domeniul gazelor:

- Care sunt elementele bazei costului?
- Cum se calculeaza How is the asset value calculated?
- Which depreciation method should be used?
- How should the return on equity/assets be calculated?
- How are operating costs defined?
- How are future investments affecting the tariff?
- How are costs allocated among the customers?
- ...

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INTERNATIONAL EXPERIENCE

SOME EXAMPLES

Cost plus	Price cap
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Presentation to the ANRGN

Assistance in the

Establishment of the

Gas Regulatory Authority in Romania

ANRGN

Presentation of Task 6: Rules of Eligibility

Final report

On September, 28th 2001 by Karl-Josef Dumele

ANRGN THE NATIONAL REGULATORY AUTHORITY FOR THE NATURAL GAS SECTOR

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Agenda: Rules of Eligibility (Task 6)

- EU directive
- structure of Romanian gas market
- Scenario 1: high competition
- Scenario 2: stepwise development of gas market liberalization
- Evaluation
- Recommendation and Action Plan

EU gas directive

Date of eligibility of customers to contract for natural gas

	Enactment of Directive 10.8.1998 (at least 2 years later when member states enacted the Directive)	5 years later: 2003	10 years later: 2008
at least			
CHP-producers with gas-fired power generators	all, irrespective of consumption level (see threshold)		
other final customers	consuming > 25m m³/a	consuming > 15m m³/a	consuming > 5m m³/a
distribution undertakings for eligible customers within their distribution system in order to supply those	as their eligible customers		

Date when market opening is to be achieved

opening of the market to be achieved, at least [% of the total annual gas consumption of the national gas market]	20 % on enactment of national laws	28 %	33 %
if market opening achieved more than x %, definition of eligibility can be modified to reduce market opening to no lower than x %	X = 30 %	X = 38 %	X = 43 %

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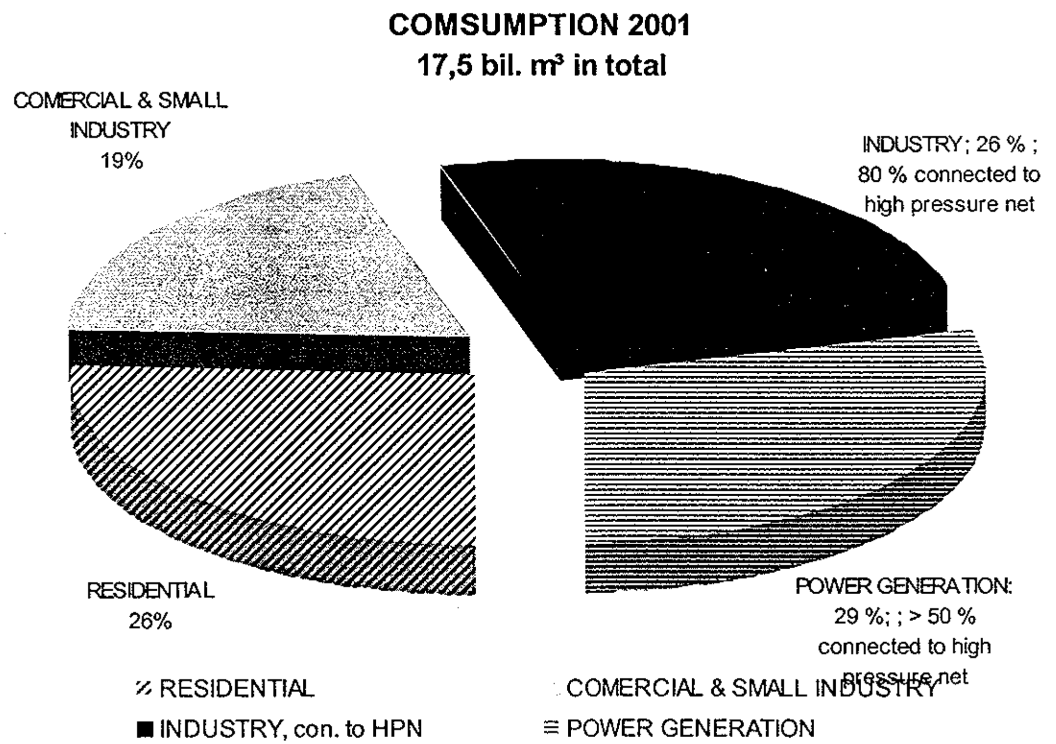
Customer Structure in Romania



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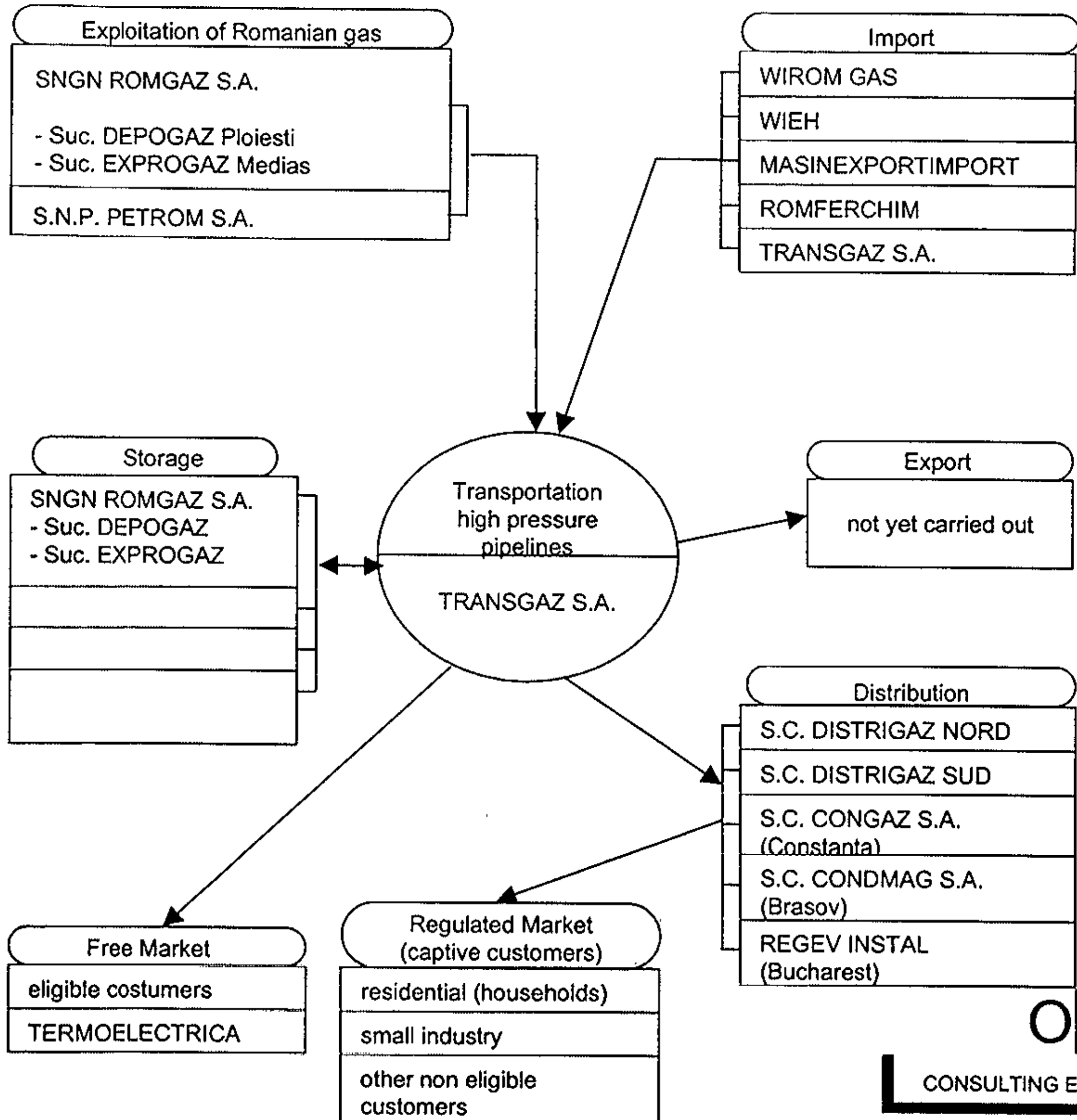
Structure and Actors of Romanian Gas Market



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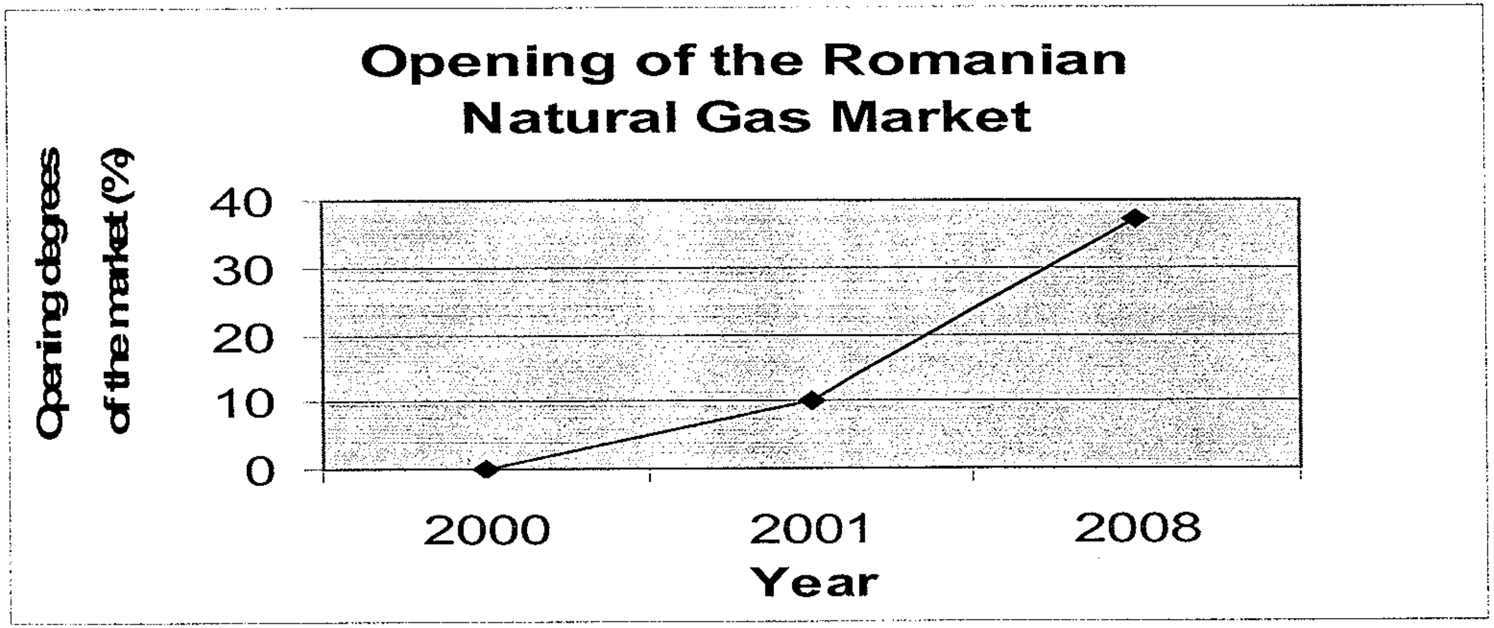
Expected Steps of Market Opening



Market opening to all customers connected to the high pressure net would mean, that more than 55 % of all customers are eligible.

Access conditions to transportation net

The following access conditions should be transparent to all actors in the opened gas market:

- net access (transportation and distribution)
- access to the storages
- system services, e.g. balancing the load profiles and
- metering / billing of transportation and all other services

Access conditions to transportation net

The regulatory should overview :

▷ tariff calculation and publication (transmission, storage, distribution, services)

▷ rules of eligibility as well as rules for the reglemented market

▷ steps to force competition, free of discrimination

▷ concessions and permissions for transportation, storage and trading of Gas

Scenario 1: high competition

The requirements for Szenario 1 are:

▷ significant alteration of market structures (trade, exploitation, customer services)

▷ a private owner structure in exploitation, trade and distribution

▷ no connection or partnership to the transportation and storage company

▷ provision of market place with no-discriminatory, free trading (ideally anonymus)

▷ clear and easy handling frame conditions for utilisation of transport net including metering, balancing, billing

Scenario 1: high competition

Referring to the Romanian situation this requires:

- ▷ a rapid privatisation of exploration / exploitation
- ▷ restriction of state activity to the operation of gas transport net and storage facilities
- ▷ acceleration of alternative gas import possibilities (e.g. Norway, Asia) without involving Gazprom
- ▷ new technical installations and instruments for metering and balancing the gas transportation
- ▷ possibility to an easy calculation for the actors in the market
- a transparent market place for a fast rising number of actors

Scenario 2: stepwise market opening

The frame conditions of Scenario 2 are:

- ▷ non-discriminatory access to the transport net in a competitive environment
- ▷ simplifications in the first steps on potential problems, e.g. required storage services, load profile compensation, load fluctuations, gas conditioning
- ▷ an independent instance analysing the arising market changes, and initiating the steps towards deregulation
- ▷ clear provisions for the actors to carry on gas without being subject to discrimination

Scenario 2: stepwise market opening

In accordance with the experience made in other countries, some measures are reasonable:

- ▷ the infrastructure must be in position to balance and bill the quantities (both input and output of the transmission net and the storage)
- ▷ no discrimination to any actor, with fairly allocated costs to the appropriate source
- ▷ transparent and easy to calculate price system for transportation and other services needed by the paticipants

Evaluation of the Scenarios

Referring to the present structure in Romania which is consistant to the step by step deregulation, the Romanian Gas market is already being carried out:

- ▷ The Romgaz has been split up into part companies
- ▷ ANRGN was created
- ▷ The Commercial Operator has started to work
- ▷ Sufficient simplifications have been made for the first step (storage services, balancing, standard contracts etc.)
- ▷ Criteria of eligibility include rules forcing discipline to the customers

Evaluation of the Scenarios

Discussion of key steps to force the market opening speed:

▷ Rapid privatisation with exclusion of the state from Exploitation

- resource protection and state long term resource planning lead not to advice this

can not be recommended

▷ Limitation of state activity only in gas transportation and storage

- the release from restriction of prices for households, which is included in privatisation the distribution sector, is because of social reasons considered as problematic

can not be recommended

Evaluation of the Scenarios

Discussion of key steps to force the market opening speed:

- ▷ No extensive regulation of import and production quantities
  - forces a faster exhaustion of sources in Romania

  can not be recommended

- ▷ Acceleration of alternative gas import possibilities
  - international project, with a time shedule not only prepared by Romanian interests
  - gas prices in more competetive regions of Europe are nearly on the same level than in Romania,

  can not be recommended

Recommendation and Action Plan

The way Romania decided to develop a open market and the chosen steps for becoming an eligible customer in Romania are absolutly correct and helpful to force competition careful up to now:

- Foundation of ANRGN and the Commercial Operator
- Splitting of Romgas
- Clear access conditons to the transportation net
- Careful first step with 18 customers (10 % of consumption)

Recommendation and Action Plan

A few Organisation and investive measures would be nessessary to rise the market volume through the next years:

- Setting up of a measuring and monitoring infrastructure
- Creation of a market place
- Price system, making services payable only to those who use them

Recommendation and Action Plan

A few legal measures would be nessessary to rise the market volume through the next years:

- Conformity with EU legislative (with the focus on net access without discrimination and arguments to extentions, e.g. Termoelectrica, customers with a quantity of more than 25 Mio Nm^3/a not becomming eligible because of economical reasons)
- Directives for the utilisation of storage services, balancing, transportation against the flow direction, and other services

Recommendation and Action Plan

The following future recommendation arises for the actors:

- The existing structure with ANRGN and the Commercial Operator appear to be highly suitable for the further deregulation process
- The commercial operator should become an independent authority
- Transgas should be restricted only to gas transport
- The storage of gas requires a non-dicriminatory access, storage capacity need to be administed by an independent authority or by Transgas to balance free of discrimination

Recommendation and Action Plan

The following future recommendation arises for the actors:

▷ Next step of eligible customers should be careful again, with only a few changes to the criteria

▷ Helpful criteria are

- access to the high pressure net
- consumption of more than 5 Mio Nm^3/a
- economical restrictions
- maximum market opening depending on experience through the next 5 mounths, not more than 20%

The steps during the next 5 years should focus only on industrial customers (connected to the high pressure net) [illegible]d power producers

Prezentare pentru ANRGN

Asistenta in

Stabilizarea unei Autoritati de

Reglementare in Romania

ANRGN

Prezentare Task 6: Reguli de Eligibilitate

Raport Final

28 Septembrie 2001, autor: Karl-Josef Dumele

ANRGN

AUTORITATEA NATIONALA DE REGLEMENTARE IN SECTORUL GAZELOR NATURALE

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Agenda: Reguli de Eligibilitate (Sarcina 6)

- Directiva Uniunii Europene
- Structura pietei romanesti de gaze naturale
- Scenariul 1: concurenta puternica
- Scenariul 2: etape inteligente in dezvoltarea liberalizarii pietei de gaze naturale
- Evaluare
- Recomandari si Planul de Actiune

ANRGN AUTORITATEA NATIONALA DE REGLEMENTARE IN SECTORUL GAZELOR NATURALE
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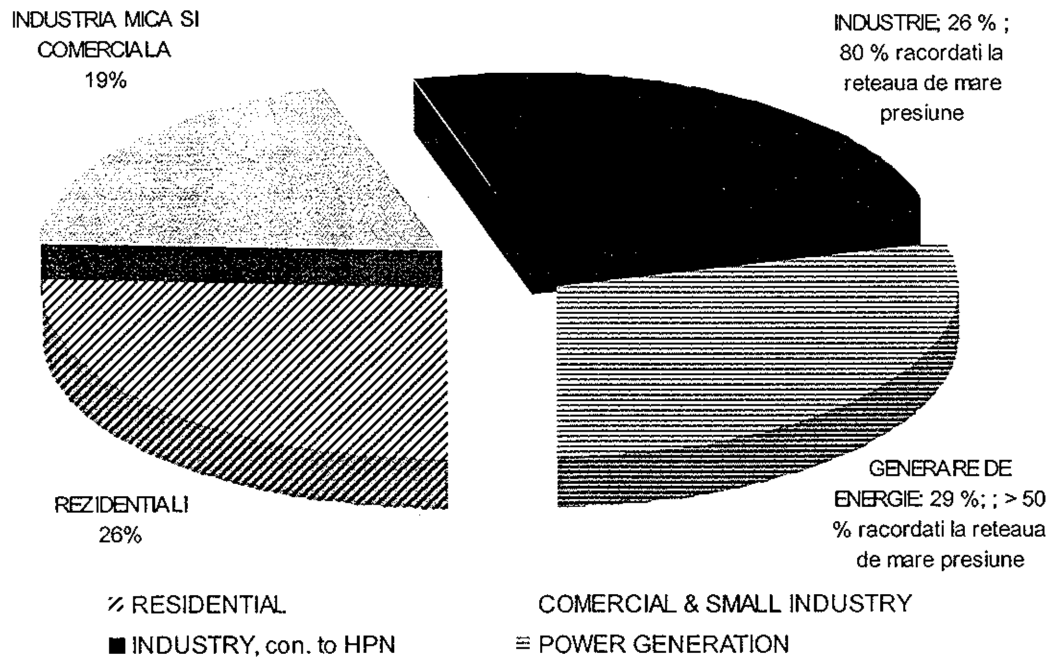
Directiva europeana de gaz

	Data eligibilitatii consumatorilor care vor incheia contracte pentru gaze naturale		
	Intrarea in vigoare a Directivei 10.8.1998 (cel putin doi ani mai tarziu de la adoptarea Directivei)	5 ani mai tarziu: 2003	10 ani mai tarziu: 2008
Cel putin			
Producatori de CHPcu generatoare de energie prin combustie gazoasa	Toti, indiferent de nivelul de consum (vezi pragul)		
alti consumatori finali	consum > 25m m³/a	consum > 15m m³/a	consum > 5m m³/a
Responsabilitati de distributie pentru consumatorii eligibili in cadrul sistemului lor de distributie	La fel ca si consumatorii lor eligibili		
	Data la care se va realiza deschiderea pietei		
Sa se realizeze deschiderea pietei la cel putin [% din consumul total anual de pe piata nationala de gaze naturale]	20 % la intrarea in vigoare a legilor nationale	28 %	33 %
Daca deschiderea pietei realizeaza mai mult de x %, definitia eligibilitatii poate fi modificata pentru a reduce deschiderea pietei la x %	X = 30 %	X = 38 %	X = 43 %

Structura Consumatorului din Romania

CONSUMUL PE 2001
17,5 bil. m³ in total



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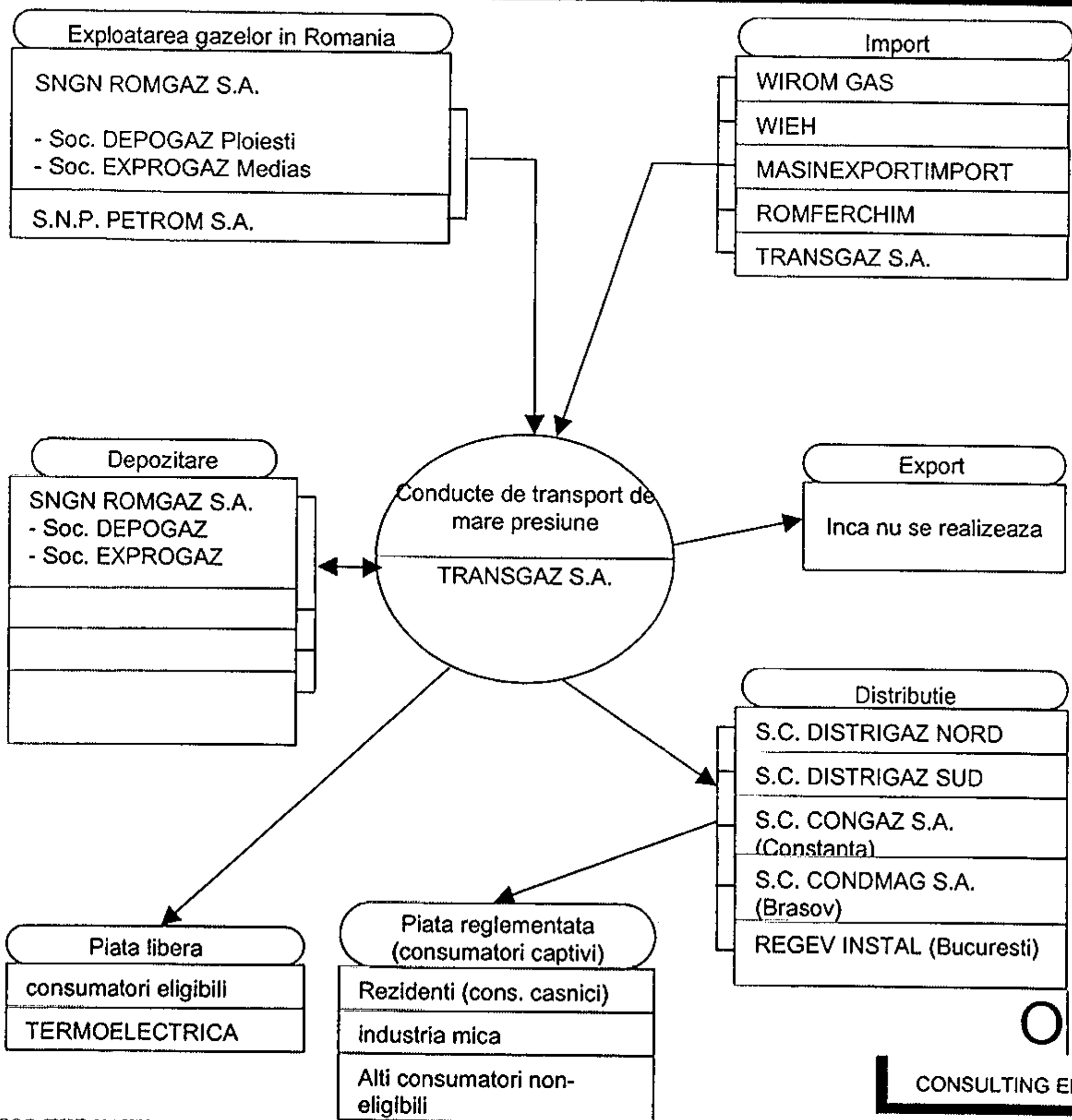
Structura si participantii de pe piata romaneasca de gaze naturale



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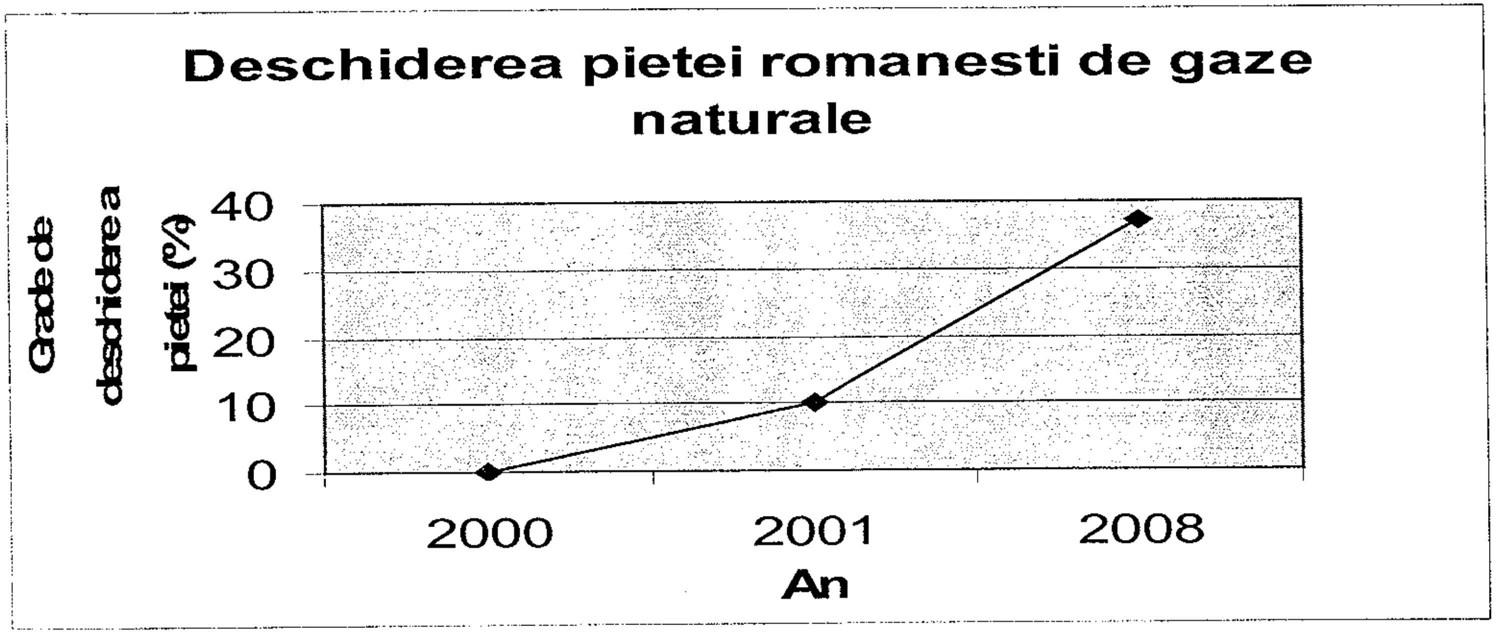
Etape preconizate de deschidere a pietei



Deschiderea pietei pentru toti consumatorii conectati la reteaua de mare presiune ar insemna ca mai mult de 55 % dintre toti consumatorii sunt eligibili.

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Conditii de acces la reteaua de transport

Urmatoarele conditii de acces ar trebui sa fie transparente pentru toti participantii de pe piata deschisa de gaze naturale:

- accesul la retea (transport si distributie)
- accesul la depozite
- servicii ale sistemului, de ex. echilibrarea incarcarii
- masurarea / facturarea transportului si a celorlalte servicii

Conditii de acces la reteaua de transport

Autoritatea de reglementare trebuie sa considere in ansamblu:

▷ calcularea si publicarea tarifelor (transmisie, depozitare, distributie, servicii)

▷ reguli ale eligibilitatii precum si reguli pentru piata reglementata

▷ etape pentru fortarea concurentei, fara nici un fel de discriminare

▷ concesiuni si avizari pentru transportul, depozitarea si comercializarea gazelor naturale

Scenariul 1: concurenta puternica

Cerintele pentru Scenariul 1 sunt:

▷ schimbari semnificative in structurile pietei (comert, exploatare, servicii pentru consumatori)

▷ structura proprietarului particular in exploatare, comercializare si distributie

▷ nici o alianta sau parteneriat intre societatea de transport si societatea de depozitare

▷ prevederi pentru o piata cu un comert liber,nediscriminator (de preferinta anonim)

▷ conditii cadru clare si usor de manevrat pentru utilizarea retelei de transport incluzand masurarea,echilibrarea, facturarea

Scenariul 1: concurenta puternica

Referitor la situatia din Romania cerintele sunt :

- ▷ o privatizare rapida a activitatilor de explorare / exploatare
- ▷ limitarea activitatii de stat in exploatarea retelei de transport si a facilitatilor de depozitare
- ▷ accelerarea altor posibilitati in importul de gaze naturale (ex. Norvegia, Asia) fara a mai implica societatea Gazprom
- ▷ noi instalatii si instrumente tehnice pentru masurarea si echilirarea transportatului de gaze naturale
- ▷ posibilitatea unei calculari usoare pentru participantii de pe piata
- ▷ o piata transparenta pentru un numar tot mai mare de participanti

Scenariul 2: etape in deschiderea pietei

Conditiile cadru ale Scenariului 2 sunt:

▷ accesul nediscriminatoriu la reteaua de transport intr-un mediu concurential

▷ simplificari ale potentialelor probleme, de ex. serviciile cerute de depozitare, alimentarea constanta, fluctuatiile in alimentare, calitatile gazului

▷ o instanta independenta care sa analizeze schimbarile de pe piata si sa initieze etapele unei dereglementari

▷ prevederi clare pentru ca participantii sa-si continue activitatile fara nici un fel de discriminare

Scenariul 2: etape inteligente in deschiderea pietei

In conformitate cu experienta din alte tari, se impun unele masuri rezonabile:

- ▷ infrastructura trebuie sa se afle in pozitia de a echilibra si factura cantitatile (atat intrarile cat si iesirile din reteaua de transmisie si depozitare)

- ▷ nici o discriminare fata de nici un participant, cu costuri alocate in mod egal pentru sursa potrivita

- ▷ un sistem de pretur transparente si usor de calculat pentru transport si alte servicii de care au nevoie participantii

Evaluarea scenariilor

Referitor la structura actuala din Romania, unde se continua liberalizarea treptata, piata romaneasca de gaze naturale se afla in plina realizare:

▷ Societatea Romgaz a fost divizata in mai multe societati

▷ A fost infiintata ANRGN

▷ Operatorul Comercial si-a inceput activitatea

▷ Pentru prima etapa au avut loc simplificari suficiente (servicii de depozitare, echilibrare, contracte standard etc.)

▷ Criteriile eligibilitatii includ reguli care impun consumatorilor disciplina

Evaluarea scenariilor

Dezbaterea etapelor principale pentru a accelera deschiderea pietei:

▷ Privatizarea rapida cu excluderea societatilor de stat de la activitatile de exploatare

- protectia resurselor si planificarea pe termen lung a resurselor statului conduc la neacceptarea acestui lucru

nu poate fi recomandata

▷ Limitarea activitatilor de stat numai in cazul transportului si depozitarii de gaze naturale

- desprinderea consumatorilor casnici de la restrictia de pret, care este inclusa in privatizarea sectorului de distributie , se produce din motive sociale considerate problematice

nu poate fi recomandata

Evaluarea scenariilor

Dezbaterea etapelor principale pentru a accelera deschiderea pietei:

▷ Nici o reglementare importanta pentru cantitatile provenind din import si productie

- grabeste epuizarea resurselor din Romania

nu poate fi recomandata

▷ Accelerarea unor posibilitati alternative pentru importul de gaze naturale

- proiect international,cu un program pregatit nu numai pentru interesele romanesti
- preturile gazelor naturale in regiunile cele mai competitive din Europa sunt aproape la acelasi nivel ca cele din Romania,

nu poate fi recomandata

Recomandare si plan de actiune

Modul in care Romania a decis sa dezvolte o piata deschisa si etapele alese pentru a deveni consumator eligibil in Romania sunt absolut corecte si utile in grabirea concurentei:

- ▷ Infiintarea ANRGN si a Operatorului Comercial
- ▷ Divizarea societatii Romgaz
- ▷ Conditii sigure de acces la reteaua de transport
- ▷ O prima etapa prudenta cu18 consumatori eligibili (10 % din consum)

Recomandare si plan de actiune

Ar fi necesare cateva masuri organizatorice si de investitii pentru a spori volumul pietei in urmatorii ani:

▷ Stabilirea unei infrastructuri de masurare si monitorizare

▷ Crearea unei piete

▷ Sistemul de preturi, servicii disponibile numai pentru cei care le folosesc

Recomandare si plan de actiune

Ar fi necesare cateva masuri juridice pentru a spori volumul pietei in urmatorii ani:

- In conformitate cu legislatia Uniunii Europene (punind accent pe accesul nediscriminatoriu la retea si cu argumente pentru extinderi, de ex. Termoelectrica, consumatorii cu o cantitate mai mare de 25 mil Nm^3/a nu pot deveni eligibili din motive economice)

- Directive pentru utilizarea serviciilor de depozitare,echlibrare,transport impotriva directiei fluxului si alte servicii

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Recomandare si plan de actiune

Participantilor le sunt facute urmatoarele recomandari:

▷ Structura existenta cu ANRGN si Operatorul Comercial este foarte potrivita pentru continuarea procesului de liberalizare

▷ Operatorul Comercial trebuie sa devina o autoritate independenta

▷ Societatea Transgaz trebuie sa se limiteze numai la transportul gazelor naturale

▷ Depozitarea gazului necesita un acces nediscriminatoriu , capacitatea de depozitare trebuie administrata de catre o autoritate independenta sau de catre Transgaz

Recomandari si plan de actiune

Participantilor le sunt facute urmatoarele recomandari:

▷ Urmatoarea etapa in alegerea consumatorilor eligibili ar trebui sa fie din nou prudenta, cu numai cateva schimbari ale criteriilor

▷ Criteriile utile sunt:

- accesul la reteaua de mare presiune
- consumul de mai mult de 5 mil Nm^3/a
- restrictii economice
- o deschidere maxima a pietei in functie de experienta pentru urmatoarele cinci luni ,dar nu mai mult de 20%

Etapele din urmatorii cinci ani ar trebui sa se concentreze numai pe consumatorii industriali (racordati la reteaua de mare presiune) si pe producatorii de energie