

Proposed variation:	Distribution Connection and Use of System Agreement (DCUSA) DCP032: ENA Address Change		
Decision:	The Authority ¹ directs that this variation be made		
Target audience:	Parties to the DCUSA and other interested parties		
Date of publication:	8 August 2008	Implementation Date:	To be confirmed by the DCUSA Panel Secretary

Background to the proposed variation

Schedule 2A of the DCUSA prescribes certain mandatory terms for contracts. In particular, the schedule refers to National Terms of Connection, a legal agreement which sets out certain rights and duties in relation to a connection. Copies of this agreement, or answers to any queries on its contents, may be obtained from the Electricity Networks Association, whose address is also listed in the Schedule. This is replicated in the standard terms and conditions printed by suppliers on their customer contracts.

The proposed variation

The proposed variation itself is simply to amend the ENA address, referenced in Schedule 2A of the DCUSA, in order to reflect the ENA's recent relocation to:

6th Floor, Dean Bradley House, 52 Horseferry Road, London, SW1P 2AF.

Recommendation to Ofgem

Although the distributors were in favour of the proposal, as the Supplier's Party Class voted against implementation the final recommendation of DCUSA Parties was for the proposed variation to be rejected.

However, the proposed implementation date was recommended, being the first practicable date following the Authority's consent.

The Authority's decision

The Authority has considered the issues raised by DCP032 and the final Change Declaration dated 15 July 2008. The Authority has considered and taken into account the responses to ElectraLink's² consultation which are attached to the Change Declaration³ and the recommendation of the DCUSA Parties. The Authority has concluded that:

1. implementation of the proposed variation will better facilitate the achievement of the Applicable DCUSA Objectives⁴; and
2. directing that the proposed variation be made is consistent with the Authority's principal objective and statutory duties⁵.

¹ The terms 'the Authority', 'Ofgem' and 'we' are used interchangeably in this document. Ofgem is the Office of the Gas and Electricity Markets Authority.

² The role, functions, and responsibilities of Electralink are set out in Section 1B of the DCUSA.

³ DCUSA change proposals, modification reports and representations can be viewed on the DCUSA website at <http://dcusa.co.uk/Public/Default.aspx>

⁴ As set out in the Distribution Licence Standard Condition 9B(9), see: http://epr.ofgem.gov.uk/document_fetch.php?documentid=12773

⁵ The Authority's statutory duties are wider than matters which the Panel must take into consideration and

Reasons for the Authority's decision

We consider it unfortunate that a full change proposal has proven to be necessary for what is after all simply a reflection of fact. However, we acknowledge that amendments to the DCUSA may currently only be made once the Parties have voted, and where appropriate with the consent of the Authority, in accordance with Standard Licence Condition 9B (13) of the Distribution licence.

We note that some suppliers considered that this proposal should be rejected and a more enduring solution found. Some respondents suggested, for instance, that the ENA address could be replaced with a PO Box number. We have some sympathy with the concerns of suppliers; particularly those who expressed disappointment at the timing of this change given the relocation must have been planned for some time. However, we nonetheless consider that directing this change be implemented would be preferable to allowing the reference to remain incorrect for any longer than necessary. Nor does it preclude alternative and perhaps more enduring references, such as a PO Box number, from being further examined. We note that the provision already refers to a website address.

We have also noted that suppliers may not be able to amend their standard terms and conditions and other literature as readily as the DCUSA itself may be amended. We are therefore reassured to note that any mail for the ENA received at its former location will be re-directed, at least for one year, and assume that no further relocations are currently envisaged. In the meantime, we would expect the DCUSA Panel to take a sympathetic and pragmatic view on any derogation required by suppliers in respect of their obligations to publish the ENA address. Assuming this can be accommodated, we agree with those respondents who suggested that the implementation of this variation will better facilitate applicable objection (d) of the DCUSA: *the promotion of efficiency in the implementation and administration of the DCUSA arrangements.*

Decision notice

In accordance with Standard Condition 9B of the Distribution Licence, the Authority hereby directs that the proposed variation set out in DCP032: 'ENA Address Change' be made, and that it shall be implemented on a date to be confirmed by the DCUSA Panel Secretary.



Mark Feather

Director, Industry Codes and Licensing

Signed on behalf of the Authority and authorised for that purpose.

are detailed mainly in the Electricity Act 1989.