

DCUSA Change Proposal Form

This form should be used by DCUSA Parties who wish raise a draft or formal Change Proposal and for DCUSA members and other interested parties to return their comments on DCUSA Change Proposals which have been circulated for consultation.

Originators - please complete Section A of this form and submit to DCUSA@electralink.co.uk.

Respondents – please complete Section B of this form and return it to DCUSA@electralink.co.uk your response should include your assessment of the solution and comments on the Change Proposal drafting. If you reject the solution then please supply your reason for rejection and an alternative solution. Even if you reject a solution your responses should state whether the proposed implementation date is acceptable to your organisation. If it is not acceptable, please indicate the reasons why and an alternative date.

SECTION A: To be completed by originator

Document Control	
CP Status	Standard / Urgent
Date Submitted	26 March 2008
CP Number*	DCP 020
Version Number	1.0
CP Ref*	04/08
Attachments	None

* Assigned by DCUSA Secretariat

Originator Details	
Party Name	EDF Energy (EPN) plc
Originator Name	Peter Waymont
Party Category	Distributor / Supplier / IDNO / DG
Email Address	Peter.waymont@edfenergy.com
Telephone Number	07875 112757

Change Proposal Details	
CP Title	Housekeeping re DCP012/009
DCUSA Parties believed to be impacted	Distributor / Supplier / IDNO / DG
Proposal to Change	Part 1 / Part 2 / Other

	Schedule / Clause:
Summary of Change	<p>The work on DCP012 was done simultaneously with other changes being proposed to DCUSA.</p> <p>Although the changes made by DCP009, DCP013 and DCP014 were not set out in the full DCUSA drafting given with DCP012 (as they had not been approved), the note at the front of DCP012 stated that if approved the amendments to be made by DCP009, DCP013 and DCP014 "will apply despite the fact that they are not shown in this document".</p> <p>Where there is no interaction of the drafting of the DCPs this is easily accommodated, for example, the new paragraph (e) in the definition of "Relevant Charging Statement" (added by DCP009) has been included in DCUSA despite that fact that it is not set out in DCP012 and because DCP012 does not amend it.</p> <p>Where DCP012 amended the same definition or clause as another DCP, DCP012 as the later change has been implemented and has unintentionally thereby unpicked some of those prior amendments. It was recognized that DCUSA should be updated post DCP012 to properly reflect the intent of those other changes.</p> <p>As a result of DCP012, the position has become complicated as regards the definitions of "Charges", "Transactional Charges" and "Use of System Charges".</p> <p>In the case of "Charges" the definition was added by DCP009 and does not appear in DCP012. As with "Relevant Charging Statement" therefore, the change can apply and the definition of "Charges" has been retained. However, it was not originally drafted in a way that was consistent with the addition of Section 2B. Legally, it just about works, because of the reference to Transactional Charges and Use of System Charges (which have a 2B element), but for clarity we should add a reference to clause 43.</p> <p>In the case of "Transactional Charges" and "Use of System Charges", both of DCP009 and DCP012 make amendments to these definitions. It is not clear which amendments should take precedence, and (in actual fact) the intention is not for either of them to apply, but for a combination of the two to apply. DCP012 (as the later amendment) has been applied in preference to DCP009.</p> <p>This change seeks to put the drafting of DCUSA onto a basis that reflects the intent of the interaction of the various DCPs.</p>
Related CPs	DCP012 & DCP009

Proposed Solution

Amend definitions as shown in tracked changes:

Charges	means, in respect of Section 2A , those charges referred to in Clause 19.2 , and, in respect of Section 2B, those charges referred to in Clause 43 (and in each case 19.2 (and, for the avoidance of doubt, includes both Use of System Charges and Transactional Charges)).
----------------	--

Transactional Charges	has, in respect of Section 2A, the meaning given to that term in Clause 22.1, and, in respect of Section 2B, the meaning given to that term in Clause 45.1 45.1 (and in each case, for the avoidance of doubt, such charges may include Use of System Charges) .
------------------------------	---

Use of System Charges	has, in respect of Section 2A, the meaning given to that term in Clause 19.2.1 19.2 , and, in respect of Section 2B, the meaning given to that term in Clause 43.1 43.1 (and in each case, for the avoidance of doubt, such charges may include Transactional Charges) .
------------------------------	--

Proposed Implementation Technique

~~Phased Implementation / Big Bang~~

Proposed Implementation Date

Please specify and give a reason if proposed date is outside the release schedule

February / June / November Release _____ Year:

Other: as soon as practicable after approval

DCUSA Objectives

Please state which DCUSA Objective(s) will be better facilitated by this CP

The promotion of efficiency in the implementation and administration of this Agreement.

Business Justification Including Market Benefits

The proposed changes will clarify the intent of the interaction of DCP009 & DCP012 together.

While it may appear to be a housekeeping change, the definitions have an impact on charging and credit cover and so the clarification should be made as soon as possible to avoid any doubt caused by the implementation of DCP012. As DCP012 is to be implemented on 1 April 2008 this DCP it is considered urgent as it is linked to an imminent date related event.

Authority Consent

Yes (Part One) / ~~No (Part Two)~~