

DCUSA CHANGE REPORT	
CHANGE PROPOSAL	DCP 070 (URGENT) – Housekeeping Amendments to DCP 065
DATE OF ISSUE	19 August 2010
ISSUED TO	DCUSA Contract Managers
PARTIES ENTITLED TO VOTE	All Parties
RETURN DEADLINE (Voting End Date)	02 September 2010 – DCUSA@electralink.co.uk

1 PURPOSE

- 1.1 This document is issued in accordance with Clause 11.20 of the DCUSA. The Change Report details DCP 070 – Housekeeping Amendments to DCP 065. The voting process for the proposed variation and the timetable of the progression of the Change Proposal (CP) through the DCUSA Change Control Process is set out in this document.
- 1.2 Parties are invited to consider the proposed amendment attached as Appendix A and submit votes using the form attached as Appendix B to dcusa@electralink.co.uk by 02 September 2010.

2 DCP 070 (URGENT) – HOUSE KEEPING AMENDMENTS TO DCP 065

- 2.1 DCP 070 has been raised by CE Electric UK on behalf of the Panel to address issues identified by Parties with the drafting of DCP 065 ‘Impact of any licence changes as a consequence of DPCR 5’.
- 2.2 DCP 065 was approved by Parties on 28 July 2010 and is scheduled for implementation on 06 September 2010 (subject to Authority Consent¹). Although all Parties voted to accept DCP 065 a number provided comments with their votes indicating that the term ‘Relevant Year’ should be replaced with ‘Regulatory Year’ throughout the drafting.
- 2.3 DCUSA Legal Counsel has confirmed that the changes identified by those Parties are correct and that the drafting requires revision. However, the DCUSA does not allow the legal drafting for a CP to be amended once it has been voted on by Parties. Ofgem has indicated that it is minded to accept DCP 065 subject to the drafting errors being addressed.
- 2.4 This CP therefore seeks to raise a change to be implemented alongside DCP 065 to address the matter identified. The scope of the proposal is limited to the instances where ‘Relevant Year’ appears in DCP 065 where it should change to ‘Regulatory Year’.

3 PROPOSED AMENDMENT AND LEGAL DRAFTING

- 3.1 The proposed legal drafting for DCP 070 has been reviewed by Wragge and Co and is attached as Appendix A.

4 ASSESSMENT AGAINST THE DCUSA OBJECTIVES

- 4.1 It is considered that the Change Proposal will better facilitate DCUSA Objective 3.1.42 as it will ensure that the correct terms are used throughout the DCUSA thus aiding interpretation and understanding of the Agreement and ensuring its effective administration.

5 IMPLEMENTATION

- 5.1 Implementation is to be aligned with the implementation of DCP 065 – ‘Impact of any licence changes as a consequence of DPCR 5’, scheduled for 06 September 2010.

¹ Ofgem has indicated that it is minded to accept DCP 065 subject to this CP being raised

² The promotion of efficiency in the implementation and administration of this Agreement and the arrangements under it

- 5.2 The CP is does not require Authority Consent as it is a housekeeping issue and the amendments do not materially affect any of the Part 1 provisions listed in Clause 9.5 of the Agreement.

6 PANEL RECOMMENDATION

- 6.1 The Panel approved the DCP 070 Change Report at its meeting on 18 August 2010.
- 6.2 In accordance with Clause 12.4 of the DCUSA the Panel has determined that DCP 070 should be issued to all Parties for voting for a period of 10 Working Days.
- 6.3 The timetable for the progression of the Change Proposal is set out below:

ACTIVITY	DATE
Change Report Agreed	18 August 2010
Party Voting	19 August – 02 September 2010
Change Declaration	03 September 2010
Implementation	06 September 2010

Appendices:

- A. DCP 070 – Legal Drafting
- B. DCP 070 – Voting Form