



## **DCUSA Change Report**

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DCP 107 - Update of Cross-references in  
Clause 11

## **1 PURPOSE**

- 1.1 This document is issued in accordance with Clause 11.20 of the DCUSA and details DCP 107 – Update of Cross-references in Clause 11. 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 amendments (Appendix A) and submit their votes using the form attached as Appendix B to [dcusa@electralink.co.uk](mailto:dcusa@electralink.co.uk) by 11 November 2011.

## **2 SUMMARY**

- 2.1 DCP 107 has been raised by UK Power Networks.
- 2.2 The cross-references in Clause 11.9 and Clause 11.21.4 incorrectly reference Clauses 13.18 and 13.19 respectively. The Agreement needs to be amended to ensure they both reference the correct Clause 13.20.
- 2.3 As a live Agreement between industry Parties, it is important the DCUSA remains up to date and accurate. Cross-referencing errors have been identified in Clause 11 which needs to be addressed to achieve this. Updating Clause 11 to remove inaccuracies will aid Parties' understanding of the Agreement and ensure it is accurate.
- 2.4 The CP has been progressed directly to the Report Phase by the Panel in accordance with Clause 11.6.2 as the CP is unlikely to be the subject of significant controversy between Parties.

## **3 PROPOSED LEGAL DRAFTING**

- 3.1 The proposed legal drafting updates Clauses 11.19 and 11.21.4 so that it no longer references Clauses 13.18 or Clause 13.19 and inputs the correct references to Clause 11.21 and Clause 13.20.
- 3.2 The proposed legal text for DCP 107 has been drafted by Wragge & Co and is attached as Appendix A.

## **4 EVALUATION AGAINST THE DCUSA**

- 4.1 DCP 107 will better facilitate the following DCUSA General Objective:

- Objective 1 – No impact identified.
- Objective 2 – No impact identified.
- Objective 3 – No impact identified
- Objective 4 – The promotion of efficiency in the implementation and administration of this Agreement.

4.2 As currently drafted Clause 11 of the DCUSA contains erroneous cross references. Such inaccuracies may cause confusion to readers of the document and render that section of the Agreement invalid. DCP 107 will address these cross referencing errors thereby promoting efficiency in the implementation and administration of the Agreement.

## **5 IMPLEMENTATION**

5.1 Although the CP impacts Clause 11 which is categorised as a Part 1 matter in accordance with Clause 9.5 of the Agreement, it does not seek to make any material changes. In the interests of efficiency the DCUSA Panel agreed that the CP is progressed as a Part 2 matter and this was agreed by the Authority.

5.2 The proposed implementation date of DCP 107 is the next DCUSA Release following approval.

## **6 PANEL RECOMMENDATION**

6.1 The Panel approved this Change Report at its meeting on 19 October 2011.

6.2 The timetable for the progression of the Change Proposals is set out below:

<b>Activity</b>	<b>Date</b>
Change Report issued for voting	21 October 2011
Voting Closes	11 November 2011
Change Declaration	15 November 2011
CP Implemented	Next DCUSA release following approval.

## **7 APPENDICES:**

Appendix A - DCP 107 - Legal Drafting

Appendix B - DCP 107 - Voting Form