

Legal Drafting – DCP106

Insert a New Clause 35B

35B. APPLICATIONS TO THE AUTHORITY TO CHANGE ALLOWED REVENUE

- 35B.1 This Clause 35B shall only apply where the Company is a DNO Party.
- 35B.2 This Clause 35B applies where the Company makes any formal written request to the Authority that will (where the Authority agrees to such request) alter the amount of revenue that the Company is entitled to recover under the revenue restriction conditions of its Distribution Licence (each such formal written request being a “**Revenue Change Request**”).
- 35B.3 The Company shall, as soon as reasonably practicable after making any Revenue Change Request, provide written notice to the User that such a request has been made.
- 35B.4 Each notice given by the Company under Clause 35B.3 shall be in the form set out as table 3 in Schedule 15, and shall include the following:
- 35B.4.1 a unique identifier for the Revenue Change Request generated by the Company to identify the Company and the change request;
 - 35B.4.2 a brief summary of the reason for the Revenue Change Request (or, if the Company considers the matter to be confidential, a statement to that effect);
 - 35B.4.3 any dependency between the Revenue Change Request and other Revenue Change Requests (to be identified by their unique identifiers), and a brief summary of the nature of the dependency;
 - 35B.4.4 the monetary value of the change proposed in the Revenue Change Request;
 - 35B.4.5 the implementation date requested in the Revenue Change Request;

- 35B.4.6 the proposed timescale over which the Revenue Change Request will be implemented, with details of phasing as appropriate;
- 35B.4.7 confirmation of whether or not (and, if so, the extent that) the change requested in the Revenue Change Request has already been included in either or both of: (1) the Company's then current Relevant Charging Statement; and (2) the information published as a requirement of Clause 35A; and
- 35B.4.8 the current status of the Revenue Change Request and any additional information relating to the Revenue Change Request that the Company reasonably considers relevant to the User.
- 35B.5 Where the Authority notifies the Company of the Authority's decision concerning a Revenue Change Request, the Company shall (within a reasonable period thereafter) notify the User of the outcome of that decision, by circulating an updated version of the table 3 in Schedule 15.
- 35B.6 On each occasion that the Company is obliged to provide information under Clause 35A.2, the Company shall update the User as to the status of each Revenue Change Request for which the Company has not yet received a decision from the Authority, by circulating an updated version of the table 3 in Schedule 15.
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Insert a New Table 3 at the end of Schedule 15

ID ¹	Reason for Revenue Change Request / Alternatively highlight if confidential	Dependency on Other Requests (give details ²)	Monetary value (£m) requested by the Network Operator to the Authority	Implementation date requested by the Network Operator to the Authority	Requested timescales over which the revenue change will be implemented and reported, with details of phasing as appropriate ³	Is this already included in published tariffs or the forecast reporting, reported pursuant to Clause 35A, and if so, to what extent including phasing?	Current Status and any additional relevant information ⁴

ADDITIONAL GUIDANCE FOR COMPLETING TABLE 3

1. (Definition) ID. An alphanumeric identifier which identifies the Company making the application to the Authority where the number identifies the specific request.
2. Provide dependencies (if any) on other requests and their reference numbers. e.g. If [ID_1] is not accepted by the Authority, [ID_3] is an alternate request. OR [ID_3] is related to [ID_1] and if request is granted, both will apply.
3. Requested timescales over which the revenue change will be implemented and reported, with details of phasing as appropriate. If the Company has requested the revenue change to be phased, provide details of how this will be phased. e.g. £20m additional revenue, phased 2012/13 £14m, 2023/14 £6m.
4. The Company should provide updates on changes to status when it updates table 1 of Schedule 15. e.g. Under discussion with the Authority Approved, Rejected, No Longer Applicable – and any additional information as required.

Amend Clause 35B

35CB. PRODUCTION OF THE ANNUAL REVIEW PACK

35CB.1 This Clause 35BC shall only apply where the Company is a DNO Party.

35CB.2 The Annual Review Pack (or ARP) is to be published on behalf of each DNO Party, and refreshed where necessary, in accordance with this Clause 35BC.

35CB.3 By 31 December of each year, the Company shall complete the ARP and send the completed ARP to the Secretariat.

35CB.4 By the third Working Day of January in each year, the Secretariat shall publish on the Website the completed ARP most recently received from each DNO Party.

35CB.5 Where the Use of System Charges to be charged by the Company from April in any year differ from the indicative charges set out in the Company's ARP published pursuant to Clause 35CB.4 in January of that year, then the Company shall (at least 40 days prior to the date from which such charges are to have effect) resubmit an updated ARP to the Secretariat.

35CB.6 The Secretariat shall, within 5 days of receiving any updated ARP pursuant to Clause 35CB.5, publish the updated ARP on the Website.

Amend Schedule 20, Paragraph 1.1

1.1 The "Annual Review Pack" or "ARP" is a document to be completed by each DNO Party giving indicative (when first published in accordance with Clause 35BC) and final (when updated in accordance with Clause 35BC) Use of System Charges to apply pursuant to the Charging Methodology set out in Schedule 16 (the "CDCM"). The pack shall contain detail of historical and forecast CDCM inputs, and a forecast of use of system tariffs for the next 5 years, in accordance with Paragraph 2. The template to be used for the pack shall be ARP model version 100 as issued by the Panel on 03 November 2011.