



DCUSA CONSULTATION

DCP 170 – Code Governance Review Phase 2 Changes

1 PURPOSE

- 1.1 The Distribution Connection and Use of System Agreement (DCUSA) is a multi-party contract between electricity Distributors and electricity Suppliers and large Generators.
- 1.2 Parties to the DCUSA can raise a DCUSA Change Proposal (“DCP”) to amend the Agreement. DCPs should better facilitate the DCUSA General Objectives and/or Charging Objectives of the DCUSA.
- 1.3 Amendments to the DCUSA may only be made with the consent of a majority proportion of Parties to the DCUSA, through a voting process, or (where applicable) the Gas and Electricity Markets Authority.¹
- 1.4 When a DCP is raised, a Working Group is usually established to assess and develop the proposal in consultation with industry parties and other interested parties.
- 1.5 This document is a consultation issued in accordance with Clause 11.14 of the DCUSA and seeks industry views on DCP 170 – Code Governance Review Phase 2 Changes.
- 1.6 The Consultation has been issued to DCUSA Parties and Ofgem.
- 1.7 Parties are invited to consider the questions about DCP 170 in this consultation and submit comments using the form attached as Attachment 4 to dcusa@electralink.co.uk by **Tuesday, 08 October 2013**.

2 BACKGROUND OF DCP 170 – CODE GOVERNANCE REVIEW PHASE 2 CHANGES

- 2.1 DCP 170 has been raised by UK Power Networks in order to implement the Distribution Licence changes arising from Ofgem’s Code Governance Review Phase 2 (CGR2) Final Proposals. The aim of the CGR2 is to align code administration practices and processes across the different energy codes to better support code parties, in particular smaller participants. Phase 1 of the CGR applied to the Balancing and Settlement Code (BSC), the Connection and Use of System Code (CUSC) and the Uniform Network Code (UNC). Phase 2 applies to the remaining energy codes.
- 2.2 The Final Proposals were issued for consultation under a notice pursuant to section

¹ For more information about GEMA visit the Ofgem website: <http://www.ofgem.gov.uk/TheAuthority>

11A (2) of the Electricity Act by Ofgem on 27 March 2013. The decision to modify gas and electricity licences to implement the CGR2 Final Proposals² was published by Ofgem on 07 June 2013.

- 2.3 Ofgem advised that it expected code governance bodies to use best endeavours to update the relevant documentation to meet the new requirements by the end of 2013.

3 DCP 170 – WORKING GROUP CONSIDERATIONS

- 3.1 The DCUSA Panel invited all DCUSA Parties to join the DCP 170 Working Group; the group consists of Distributor, Supplier and Independent Distribution Network Operators (IDNO) Parties, as well as Ofgem representation.
- 3.2 The Working Group reviewed the modifications proposed to Standard Licence Condition (SLC) 22 of the Distribution Licence, with the DCUSA legal advisor. The impacts are primarily around the DCUSA Change Process, in the categories of Self-Governance of modifications, Significant Code Reviews (SCR), achievement of DCUSA Objectives, Ofgem's send back powers (for DCP Change Reports) and the Code Administration Code of Practice (CACoP)³.
- 3.3 The table below cross references by category, the amendments to the SLCs with how these modifications might be reflected in the DCUSA (as set out in the proposed legal text in Attachment 3).

² For further information please see Attachment 2 to this consultation.

³ The latest version of the CACoP at the time of writing can be found here:
<http://www.ofgem.gov.uk/Licensing/IndCodes/CGR/Documents1/FinalCoP.pdf>

Modifications Cross Reference Table

Category of proposed modification to SLC 22 of Distribution Licences	CGR2 new / amended SLC reference ⁴	Current DCUSA Process	Working Group Assessment & Proposed amended DCUSA Process
Self-Governance	<p>22.5(d) Part B: Principles for making an amendment a modification to the DCUSA</p> <p>22.5 Those principles are that:</p> <p>(d) modifications to the DCUSA require Authority approval, which must be sought in accordance with the appropriate procedures set out in the DCUSA, except for modifications made pursuant to paragraph 22.9F (“the self-governance route”);</p>	<p>Whether a CP is treated as a Part 1 or Part 2 Matter is designated by the clause(s) of the DCUSA it affects, defined under clauses 9.3 to 9.6 of the DCUSA.</p>	<p>Ofgem’s recommendations indicated that it preferred to have criteria, against which a change is categorised as material or immaterial (and therefore approved by Authority consent or self-governance respectively) by the CP’s Proposer. As a result the Working Group proposes to retain the Part 1 or Part 2 Matter approach, but to make some minor amendments to better align with the licence requirements.</p> <p>Clause 9.4 “Part 1 Matters” (requiring Authority approval) and clause 9.6 “Part 2 Matters” (not requiring Authority approval) retained. Consequential changes to:</p> <ul style="list-style-type: none"> - clause 5.3.7 – remove the role of the Panel in reviewing the categorisation of Part 1/2 Matters - clause 10.4.7 – require the Proposer to determine whether their CP is a Part 1 or Part 2 Matter, for <u>all</u> CPs, not just those proposing <u>new</u> DCUSA provisions.

⁴ See Attachment 2 for the full wording of the Licence Condition

Self-Governance	<p>22.9B</p> <p>“The procedures must provide for the proper evaluation of the suitability of the self-governance route for any particular modification proposal in accordance with the criteria Specified pursuant to paragraph A3(f) of the Schedule”.</p> <p>22(A3(F))</p> <p>Such criteria as are specified for the modification of the DCUSA without the Authority’s approval in accordance with Parts B to D of this condition.</p>	<p>Clause 9.4 sets out the criteria for Part 1 Matters;</p> <p>Clause 9.5 lists those provisions deemed to be Part 1 Matters (i.e. those clauses to which modifications are assumed to always be material due to the nature of the clause);</p> <p>Clause 9.6 defines Part 2 Matters as being matters which are not defined as Part 1 Matters.</p>	<p>The Working Group considered that the new licence requirement would be better met by the removal of clause 9.5⁵. The licence requires every CP to be assessed as to whether it is suitable for self-governance, i.e. has a material impact, and therefore the strictly defined list in 9.5 does not allow for a proper evaluation against the self-governance criteria.</p> <p>Clause 9.5 which lists the Part 1 Matter clauses will be deleted and replaced with “not used”.</p>
	<p>22.9F(a)(i)</p> <p>22.9(f) contains the detail around self-governance and sets out where a modification is to be accepted.</p>	<p>This is met by clauses 11.8 and 11.9 of the DCUSA.</p>	<p>The DCUSA currently provides for the Panel’s decision on whether the CP is a Part 1 Matter or a Part 2 Matter, at the same time it decides whether a CP should be subject to the Definition phase, in clauses 11.8 and 11.9.</p> <p>No changes required.</p>

⁵ Clause 9.5 sets out the provisions of the DCUSA deemed to satisfy one or more of the criteria of the status of a Part 1 Matter.

Self-Governance	<p>The procedures must provide that modifications to the DCUSA may be made pursuant to this paragraph 22.9F (the “self-governance route”) where:</p> <p>22.9F(a)(ii)</p> <p>“the Authority has determined that the criteria Specified pursuant to paragraph A3(f) of the Schedule are satisfied and the modification proposal is suitable for the self-governance route;”</p>	<p>Under clause 11.21 Ofgem can stipulate whether it considers a CP should be treated as a Part 1 or Part 2 Matter and overturn the decision made by the DCUSA Panel under clause 11.18.</p>	<p>The Working Group decided that clause 11.21 should be modified to reflect 22.9 (a) and (c) of the licence. This is to provide that the Authority can direct a change to the status of a CP as a Part 1 or Part 2 Matter, up to the point where the Panel approves the Change Report to go out for voting.</p>
	<p>The procedures must provide that modifications to the DCUSA may be made pursuant to this paragraph 22.9F (the “self-governance route”) where:</p> <p>22.9F(b)</p> <p>“unless otherwise exempted by the Authority, the panel has sent copies of any consultation responses to the Authority at least seven (7) days before the modification report is approved by the panel;”</p> <p>22.9 F(c)</p> <p>“the Authority has not directed that the Authority’s approval is required prior to the modification report being approved by the panel;”</p>	<p>Clause 11.22 provides for the Panel’s submission of the Change Report to industry parties for voting in accordance with the voting procedure in clause 12.</p> <p>This clause also acts in accordance with clause 11.24 which allows for the DCUSA Panel to modify the voting procedure where there is more than one proposed solution under a CP.</p>	<p>The Licence drafting requires the consultation responses (for the DCUSA these are contained in the Change Report) to be issued to Ofgem and the DCUSA Panel seven days before the DCUSA Panel approves the Change Report for Party voting.</p> <p>This allows sufficient time for Ofgem to read the industry responses to the consultation(s) prior to the Change Proposal being approved by the Panel (and entering the Party vote phase).</p> <p>Clause 11.22 has been amended to reflect the new licence condition, for the Authority to receive the Change Report seven days before the CP is submitted to the Voting Procedure, with an allowance for a shorter timescale if the Authority so exempts.</p>

Category	CGR2 new / amended SLC reference	Current DCUSA Process	Working Group Assessment & proposed amended DCUSA Process
<p>Self-Governance Appeals</p>	<p>22.9F(e)</p> <p>(i) no appeal has been raised up to and including 10 working days after the publication of the parties' determination pursuant to paragraphs 22.12A and 22.13 in respect of such a modification proposal in accordance with paragraph 22.9G; or</p> <p>(ii) an appeal has been raised in respect of such a modification proposal in accordance with paragraph 22.9G and the Authority has not quashed the DCUSA parties' determination made pursuant to paragraphs 22.12A(a) and 22.13 (and either remitted the relevant modification proposal back to the parties' for reconsideration or taken the decision on the relevant modification proposal itself following the appeal).</p>	<p>The DCUSA allows Parties to appeal the status of a CP, but only to the extent of asking the Authority to determine it should be a Part 1 Matter instead of a Part 2 Matter.</p> <p>Clauses 13.20 and 13.21 set out that the outcome of any such appeal shall result in the CP being treated accordingly. That is, continuing as a Part 2 Matter if the appeal is not upheld, or treated as a Part 1 Matter if the appeal is upheld.</p>	<p>The Working Group agreed to modify clause 13.20 to introduce the DCUSA objectives as the reason for parties to appeal (see below for SCL 22.9G).</p> <p>The group agreed to replace clause 13.21 in the DCUSA which describes a period of 15 Working Days for Ofgem to make a determination on an appeal, as the licence drafting does not provide a binding requirement for Ofgem to respond in that timescale.</p> <p>The new text at clause 13.21 allows the Authority to provide an interim direction whilst the decision of the appeal is being made. The text also stipulates the clauses which apply if the appeal is accepted or rejected.</p> <p>A new clause 13.22 allows for the reassessment of the vote and stipulates the clauses which apply in this instance.</p> <p>Part 1 Matters require a 50% majority vote from industry parties to be recommended as accepted to the Authority. Part 2 Matters require a 65% majority vote from industry parties in order to be recommended as accepted to the Authority. If an appeal is accepted and the Authority takes the decision on the proposed variation, it will be considered a Part 1 Matter and therefore the recommendation in the change declaration to the Authority will be reissued.</p>

<p>Self-Governance Appeals</p>	<p>22.9G</p> <p>...persons mentioned in or pursuant to paragraph 22.5(a) may appeal to the Authority the approval or rejection of a modification proposal ...:</p> <p>(a)</p> <p>(i) the appealing party is likely to be unfairly prejudiced by the implementation or non-implementation of that modification proposal; or</p> <p>(ii) the appeal is on the grounds that:</p> <p>2) (1) in the case of implementation, the modification may not better facilitate the achievement of at least one of the Applicable DCUSA Objectives; or</p> <p>3) in the case of non-implementation, the modification proposal may better facilitate the achievement of at least one of the Applicable DCUSA Objectives; and</p> <p>(b) the appeal is not brought for reasons that are trivial or vexatious, nor does the appeal have no reasonable prospect of success.</p>	<p>Clause 13.17 covers where <u>Parties</u> aggrieved by the acceptance or rejection of a proposal under appeal it to the Authority.</p> <p>Clause 13.19 advises that an appeal of a Part 2 Matter must be made in writing and the Party should state why the change should be considered a Part 1 Matter.</p> <p>Clause 13.20 sets out how a CP should be treated, if on appeal, the Authority determines it should be a Part 1 Matter, rather than a Part 2 Matter.</p>	<p>The Working Group agreed to extend clause 13.17 to permit the National Consumer Council (Consumer Futures) and the National Grid Electricity Transmission UK (NCC, NGET) and other persons designated by Ofgem (in addition to DCUSA Parties), to appeal – to align with those parties that could raise a CP under 10.2.</p> <p>It was agreed that a person designated by Ofgem to raise a CP(s), could only raise an appeal the acceptance / rejection of the CP(s) they had been designated to submit to the DCUSA change process. The group added clause 13.17.4 to reflect this decision.</p> <p>Clause 13.19 determines that when a valid appeal has been requested under clause 13.17 and 13.18 then the acceptance of a CP in to the DCUSA is suspended until the Authorities decision is determined under clause 13.20 or where applicable 13.21.</p> <p>Furthermore, clause 13.20 has been modified to introduce the criteria for these parties to appeal on the basis of being unfairly prejudiced, the approval of a CP not better facilitating the DCUSA objectives or the rejection of a CP preventing better facilitation of one or more of the DCUSA objectives.</p>
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Self-Governance Appeals	<p>22.9H(a)</p> <p>where an appeal has been raised in respect of a modification proposal in accordance with paragraph 22.9G, that modification proposal shall be treated in accordance with any decision and/or direction of the Authority following that appeal</p>	<p>Clauses 13.20 and 13.21 set out that the outcome of any such appeal shall result in the CP being treated accordingly. That is, continuing as a Part 2 Matter if the appeal is not upheld, or treated as a Part 1 Matter if the appeal is upheld.</p>	<p>The additional text drafted as clause 13.19 advises that if a CP accepted in the Party vote is appealed, then the acceptance of the CP is suspended pending the Authority's decision.</p> <p>The additional text in clause 13.20 confirms that if the Authority does not uphold an appeal against CP approval, a CP accepted in the Party vote should proceed to implementation.</p>
	<p>22.9H(b)</p> <p>if the Authority quashes the parties' determination pursuant to paragraphs 22.12A(a) and 22.13 and takes the decision on the relevant modification proposal itself following an appeal in accordance with paragraph 22.9G, the parties' determination of that modification proposal pursuant to paragraphs 22.12A(a) and 22.13 shall be treated as a recommendation pursuant to paragraphs 22.12A(b) and 22.13.</p>	<p>Clause 13.20.1 provides that if the Authority does uphold an appeal that a CP relates to a Part 2 Matter, the Parties' acceptance / rejection of that CP is deemed to have no effect.</p>	<p>The additional text at clause 13.21 allows the Authority to provide an interim direction whilst the decision of the appeal is being made. The text also stipulates the clauses which apply if the appeal is accepted or rejected.</p> <p>The Working Group considered the fact that Part 1 Matters require a 50% majority vote from industry parties to be recommended as accepted to the Authority and Part 2 Matters require a 65% majority vote from industry parties in order to be recommended as accepted to the Authority.</p> <p>If an appeal is accepted, for a Part 2 Matter to be considered a Part 1 Matter then the recommendation in the change declaration to the Authority will need to be reissued. On this basis the Working Group agreed to introduce clause 13.22 to reassess the vote after an appeal.</p>

Category	CGR2 new / amended SLC reference	Current DCUSA Process	Working Group Assessment & proposed amended DCUSA Process
Significant Code Review		There is no provision in the DCUSA currently for a Significant Code Review (SCR).	The Working Group reviewed the SCR licence provisions and how to introduce the concept of an SCR into the DCUSA.
	<p>22.9C</p> <p>The procedures must provide that proposals for the modification of the DCUSA falling within the scope of a Significant Code Review may not be made during the Significant Code Review Phase, except:</p> <p>(a) where the Authority determines ...; or</p> <p>(b) at the direction of the Authority.</p>		New clause 10.22 sets out how the process will be managed; a definition; and the power for the Panel to refuse the referral of a CP during a SCR unless the Authority directs otherwise.

	<p>22.9D</p> <p>The procedures must provide that, where a modification proposal is made during a Significant Code Review Phase, the panel shall:</p> <p>(a) ..., notify the Authority as soon as practicable of:</p> <p>(i) any representations received in relation to the relevance of the Significant Code Review; and</p> <p>(ii) the panel's assessment of whether the proposal falls within the scope of the Significant Code Review and its reasons for that assessment; and</p> <p>(b) if the Authority so directs, not proceed with the modification proposal until the Significant Code Review Phase has ended.</p>		<p>Clause 10.23 sets out the process for CPs referred to the Panel during the period of the SCR, and how the Panel should process a CP during the SCR unless the Authority has directed otherwise.</p>
Significant Code Review	<p>22.9E</p> <p>If, within twenty-eight (28) days after the Authority has published its Significant Code Review conclusions, the Authority issues to the licensee:</p> <p>(a) Directions, the licensee must comply with those Directions;</p> <p>(b) a statement that no Directions under subparagraph (a) will be issued in relation to the DCUSA...</p>	<p>There is no provision in the DCUSA currently for a Significant Code Review (SCR).</p>	<p>This licence requirement is picked up in the definition of "Significant Code Review Phase". The Working Group considered that the licence requirement that licensees comply with SCR Directions, is outside of the scope of the DCUSA.</p>

Category	CGR2 new / amended SLC reference	Current DCUSA Process	Working Group Assessment & proposed amended DCUSA Process
<i>Achievement of Objectives</i>	<p>22.9F(d) the DCUSA parties have determined, in accordance with paragraph 22.12A, that the modification proposal or any alternative should be implemented on the basis that it would, as compared with the then existing provisions of the DCUSA, better facilitate the achievement of the Applicable DCUSA objective(s)</p> <p>22.10(c) [modification report must contain]</p> <p>an assessment of the extent to which the proposed modification would better facilitate achieving the Applicable DCUSA Objectives and a detailed explanation of the reasons for that assessment (such assessment to include, where applicable, an assessment of the quantifiable impact of the proposal on greenhouse gas emissions in accordance with paragraph 22.9A)</p>	<p>Clause 11.20 lays out the framework for the Change Report such as addressing the Change Report to the Panel, including a summary of responses to any consultation and the reasons why the Working Group considers the change better facilitates the DCUSA Objectives and a proposed implementation date.</p>	<p>The Working Group considered the majority of the licence requirements are already covered by clauses 11.14.5, 11.14.6 and 12.7.</p> <p>The introduced text at 11.20 5A requires the Proposer (and Working Group where convened) to provide <u>detailed</u> reasons why the DCUSA Objectives would be better facilitated, or not, by the implementation of each CP.</p>

	<p>22.12A</p> <p>The procedures must ensure that parties to the DCUSA, having regard to whether the modification would, as compared with the existing provisions of the DCUSA, better facilitate the achievement of the Applicable DCUSA Objectives, are able to vote for:</p> <p>(a) the implementation or rejection of the proposed modification, in the case of a proposal that is to be determined in accordance with paragraph 22.9F; or</p> <p>a recommendation to the Authority to approve or reject the proposed modification, in the case of a proposal that requires Authority approval.</p>	<p>Clause 11.14.5 refers to the Panels establishment of a Working Group in order to consider whether the proposed change better facilitates the DCUSA objectives.</p> <p>Clause 11.14.6 refers to the Panels establishment of a Working Group in order to consider whether a change has an impact on greenhouse gases and to assess that impact.</p> <p>Clause 12.7 sets out where each DCUSA party votes to accept or reject a change, they do so on the basis of whether the DCUSA objectives are better facilitated. The DCUSA party may provide a statement on why they accept or reject the change in reference to the DCUSA objectives.</p>	
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Category	CGR2 new / amended SLC reference	Current DCUSA Process	Working Group Assessment & proposed amended DCUSA Process
<i>Send back powers</i>	<p>22.13B</p> <p>The procedures must provide for the revision and resubmission of the modification report prepared in accordance with paragraph 22.10 (and submitted to the Authority pursuant to the procedures described in Part C of this condition) upon, and in accordance with, a direction issued to the panel by the Authority where the Authority determines that it cannot properly form an opinion on the approval of the modification proposal.</p>	There are currently no send back powers for the Authority stipulated in the DCUSA.	<p>The group noted that proposed licence condition 22.13B provides for Ofgem to send back a Change Report where it considers that it has not received enough information to make a decision.</p> <p>New clause 13.11A provides for the Authority to send back a Change Report to the DCUSA Panel and what actions the Panel should take on receipt of such sent back Change Report, ending with the CP being resubmitted to Party Vote.</p>

Category	CGR2 new / amended SLC reference	Current DCUSA Process	Working Group Assessment & proposed amended DCUSA Process
Code Administrator	<p>22.13C</p> <p>The procedures for the modification of the DCUSA must be consistent with the principles set out in the Code of Practice, to the extent that they are relevant.</p> <p>22 A3 (eA)</p> <p>... In addition to any power, duties, or functions set out in the DCUSA, the code administrator shall:</p> <p>(i) together with other code administrators, publish, review, and (where appropriate) amend from time to time the Code of Practice approved by the Authority (any amendments to the Code of Practice are to be approved by the Authority);</p> <p>(ii) facilitate the procedures for making a modification to the DCUSA;</p> <p>(iii) have regard to, and in particular (to the extent relevant) be consistent with the principles contained in, the Code of Practice; and</p>	<p>There is currently no provision in the DCUSA for the secretariat to act in accordance with the Code Administration Code Of Practice (CACoP).</p> <p>Clauses 7.36 – 7.39 set out the functions of the DCUSA Secretariat.</p>	<p>The Working Group noted that there is a requirement for the DCUSA arrangements to be consistent with the Code Administration Code of Practice (CACoP) which is detailed in draft licence condition 22.13C.</p> <p>The Working Group agreed to introduce definitions for the CACoP and “Small Participant” into the DCUSA.</p>

<p>Code Administrator</p>	<p>(iv) provide assistance, insofar as is reasonably practicable and on reasonable request, to parties (including, in particular, Small Participants) and, to the extent relevant, consumer representatives that request the code administrator's assistance in relation to the DCUSA including, but not limited to, assistance with: drafting a modification proposal; understanding the operation of the DCUSA;</p> <p>their involvement in, and representation during, the modification procedure processes (including, but not limited to, panel and/or workgroup meetings); accessing information relating to modification proposals and/or modifications.</p>		<p>The Working Group drafted a new function as clause 7.36A, capturing the licence conditions relating to the CACoP and the CACoP Principles. These include taking part in reviews of the CACoP periodically, reporting to the Panel any areas in the DCUSA that may not be compliant with the CACoP, acting in accordance with the CACoP, and significantly, providing assistance to Parties in relation to the DCUSA provisions.</p> <p>Such assistance is described as drafting CPs, understanding the operation of the agreement, involvement in / representation during the change process and assessing CPs.</p>
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4 CHANGE PROCESS CONSIDERATIONS

4.1 The Working Group is also interested in the answers to the questions on:

- the role of Critical Friend

The Working Group is also interested in parties views on the additional support which Parties expect from the DCUSA Code Administrator acting in the role of Critical Friend (Principle 1 of the CACoP) to support smaller DCUSA Parties.

- updates to the voting form and the CP Form.

Due to the changes to legal drafting in attachment 3, modifications to the voting form and the CP Form are required. Please find copies of these forms as Attachment A and B to this consultation. The Working Group is seeking views on whether the purpose of the change to each form is sufficiently clear and whether there are any further changes suggested.

5 ASSESSMENT AGAINST THE DCUSA OBJECTIVES

5.1 The Working Group reviewed the DCP against the DCUSA General Objectives and agreed that General Objective 3 was better facilitated by this change. DCP 170 will facilitate the proposed changes to Licence Condition 22 which means the DCUSA must be modified in order that the Distributors remain compliant with the Licence.

- General Objective 3 - *The efficient discharge by each of the DNO Parties and IDNO Parties of the obligations imposed upon them by their Distribution Licences.*

6 PROPOSED LEGAL TEXT

6.1 The DCP 170 proposed legal text is set out in Attachment 3.

6.2 The Working Group will further review the legal text based on feedback gained from this consultation.

7 CONSULTATION

7.1 The following table provides a list of the consultation questions that the Working Group is seeking responses to.

Question Number	General Questions
1.	Do you agree with the intent of DCP 170? Please provide supporting comments.
2.	Do you agree with the principles of DCP 170? Please provide supporting comments.
3.	Do you understand the proposed changes as set out in the modifications table in section 3 of this consultation and why those changes are being made?
4.	Do you recommend any clarifications that could be documented within the Change Report when it is drafted that would facilitate better understanding of DCP 170 for Party voting? Please provide supporting comments.
5.	Do you have any comments on the proposed legal drafting of DCP 170?
6.	Which DCUSA General Objectives does the DCP better facilitate? Please provide supporting comments. <ol style="list-style-type: none"> 1. The development, maintenance and operation by each of the DNO Parties and IDNO Parties of an efficient, co-ordinated, and economical Distribution System. 2. The facilitation of effective competition in the generation and supply of electricity and (so far as is consistent with that) the promotion of such competition in the sale, distribution and purchase of electricity. 3. The efficient discharge by each of the DNO Parties and IDNO Parties of the obligations imposed upon them by their Distribution Licences. 4. The promotion of efficiency in the implementation and administration of this Agreement and the arrangements under it. 5. compliance with the Regulation on Cross-Border Exchange in Electricity and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators.
7.	DCP 170 will bring about requirements for the DCUSA Secretariat to act in accordance with the CACoP (to the extent appropriate to the code). This

	<p>includes CACoP Principle 1 - being a 'Critical Friend' to Industry participants, with 18 points to describe the Critical Friend role. Please provide your opinions on:</p> <p>A. How do you envisage this role working within the DCUSA arrangements?</p> <p>B. In what ways do you think the DCUSA Secretariat already delivers the Critical Friend role?</p> <p>C. What type of additional support do you feel would be required for the DCUSA Secretariat to further deliver the Critical Friend role? Please provide examples where possible to illustrate your comments.</p> <p>D. What further support would you like to see the DCUSA arrangements (in particular the secretariat) provide to the industry?</p>
8.	<p>DCP 170 will bring about changes which will affect the DCUSA CP Form and the DCUSA Voting Form (Attachments A and B to this consultation).</p> <ul style="list-style-type: none"> • Please provide comments on the changes that have been made to these forms; and • Please describe any further changes you would suggest to the forms.
9.	<p>Do you agree with the implementation date of DCP 170? Please provide supporting comments.</p>
10.	<p>Do you foresee any perceived difficulties with the implementation of the proposed changes? If so, please provide your suggested solutions.</p>
11.	<p>Are there any alternative solutions or matters that should be considered by the Working Group?</p>

7.2 The consultation response form (Attachment 4) should be submitted to dcusa@electralink.co.uk no later than **Tuesday, 08 October 2013**. Parties are asked to provide as much relevant detail as possible to enable the Working Group to understand the comments and the reasons behind them.

7.3 Responses, or any part thereof, can be provided in confidence. Parties are asked to clearly indicate any parts of a response that are to be treated confidentially.

8 NEXT STEPS

- 8.1 Responses to the consultation will be reviewed by the DCP 170 Working Group. The Working Group will then determine the progression route for the DCP.
- 8.2 If you have any questions about this paper or the DCUSA Change Process please contact the DCUSA helpdesk by email to dcusa@electralink.co.uk or telephone 020 7432 3017.

9 ATTACHMENTS

- Attachment 1 – DCP 170 Change Proposal
- Attachment 2 – Ofgem's Code Governance Review (Phase 2) Final Proposals
- Attachment 3 – DCP 170 Proposed Legal Text
- Attachment 4 – DCP 170 Consultation Response Form

10 REVISED TEMPLATE FORMS

- Attachment A – Updated CP Form
- Attachment B – Updated Voting Form