

DCP294 Legal Text

Capacity Management Following Acceptance of Connection Offer

Add new Clauses 39.12A and 39.12B into Section 2B of DCUSA as follows:

Variation to the Maximum Import Capacity and Maximum Export Capacity

39.12A Except where a variation requires a Modification, either Party may propose a variation to the Maximum Import Capacity and/or Maximum Export Capacity contained within the Bilateral Connection Agreement by notice in writing to the other Party. The Company and the User shall negotiate in good faith the terms of any such variation.

39.12B Where the Bilateral Connection Agreement includes a phased ‘Required Capacity’ for the ‘Development Phase’ (as each such expression is defined in Schedule 22), any proposal to vary the Bilateral Connection Agreement made pursuant to Clause 39.12A shall take into account the capacity required for the remainder of such Development Phase, as set out in the Bilateral Connection Agreement.

Amend Schedule 22, Section 2 as follows:

Development Phase	the three - <u>five</u> -year period, unless otherwise agreed with us, commencing on the date of Energisation of an embedded network, during <u>over</u> which <u>period</u> the development is <u>to be</u> constructed.
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Gowling WLG (UK) LLP

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