

DCUSA DCP 211 Consultation responses – collated comments

Company	Confidential/ Anonymous	1. Do you agree with the intent of DCP 211?
GDF SUEZ Marketing Limited	Non-confidential	Yes, with some reservations.
GTC	Non-confidential	Yes
npower	Non-confidential	Yes
Reckon LLP	Nothing confidential	Yes.
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	Yes.
SSE Energy Supply	Non-confidential	Yes
UK Power Networks	Non-confidential	We agree with the intent to make all information available going forward, however we do not agree with the making available historic information. 57.2 and 57.3 should be referred to alongside 57.1.

Company	Confidential/ Anonymous	2. Are you supportive of the principles of DCP 211?
GDF SUEZ	Non-confidential	Yes. We think DCUSA should be aligning itself with the level of public access offered by comparable

Marketing Limited		organisations managing industry and code change such as Elexon and the Joint Office of Gas Transporters. However, due consideration should be given to the fact that DCUSA operates a system of voting on changes where all parties can participate, whereas some other similar bodies have panel votes only. In addition, parties' requests to make their responses to consultations confidential should be respected.
GTC	Non-confidential	Yes
npower	Non-confidential	Yes
Reckon LLP	Nothing confidential	Yes.
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	Yes.
SSE Energy Supply	Non-confidential	Yes
UK Power Networks	Non-confidential	We are supportive of the principles of greater transparency in DCUSA to assist potential new entrants into the industry and new customers; however we have some concerns over the control of publication of confidential information.

Company	Confidential/ Anonymous	3. Do you have any comments on the proposed legal text? Please provide supporting comments.
GDF SUEZ Marketing Limited	Non-confidential	The legal text should allow for the possibility that parties may wish to declare certain documents confidential (eg consultation responses that may be commercially sensitive). There should also be carve outs for sensitive items such as voting papers and change declarations which reveal how

		particular parties voted on changes.
GTC	Non-confidential	No
npower	Non-confidential	No
Reckon LLP	Nothing confidential	No comments.
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	<p>We do not agree with inclusion of the date of 31 May 2014 and believe that this Change should not result in potential publication or availability of any documents produced prior to the effective date in DCUSA, if approved. In our view, there is no compelling rationale for use of this date and new provisions normally have effect from the relevant date of the amended DCUSA version.</p> <p>For the avoidance of doubt, we believe that paragraph 3(d) of Schedule 14 should also reference as excluded any item which is covered by Clause 57.3.1 in addition to Clause 57.1. We would not wish Parties to feel inhibited in providing information, due to concerns about treatment of information provided as confidential.</p> <p>Also for the avoidance of doubt, we believe that paragraph 3A should reference matters covered by Clause 57.1, due to the addition of the word 'any' before minutes, papers, etc. as the Panel or Board may have to keep certain items confidential.</p>
SSE Energy Supply	Non-confidential	No
UK Power Networks	Non-confidential	We do not believe there is any need to confuse the obligations created under clauses 5.3.9 and 5.3.10. The CP can be achieved by keeping changes to within Schedule 14. Schedule 14 is cross referenced by 5.3.9 and so there is no need to amend 5.3.10.

Company	Confidential/ Anonymous	4a. In respect of publication on the Public Pages of the DCUSA website, the proposal would not apply to contact details or to documents produced before 31 May 2014. Are you supportive of this approach? Please provide supporting comments.
GDF SUEZ	Non-confidential	Agree, as these documents will have been written under an assumption that they would not be

Marketing Limited		publicly available.
GTC	Non-confidential	<p>We agree that contact details should not be made available. Communication in respect of change proposals should be through DCUSA. We do not think that it is appropriate that individual members should have their details published.</p> <p>We do not understand why documents produced before 2014 should not be available on the public pages. We would like to understand why the working group believes these should not be made available on the public pages.</p>
npower	Non-confidential	Yes. We believe there would be no benefit in documents being made available that were produced prior to 31 May 2014 (or a later date) as there would be a requirement to check and validate all documents to ensure there was no confidential details put into the public area.
Reckon LLP	Nothing confidential	<p>It is right not to publish contact details.</p> <p>It is unfortunate that documents produced before 31 May 2014 would not be published. However, this is an acceptable solution if requiring the Secretariat to go through many years of historical documents in order to identify any confidential information would be an excessive burden.</p>
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	<p>We agree that Party contact details should not be provided on the Public Pages.</p> <p>Please refer to earlier comments in relation to the 'documents date'.</p>
SSE Energy Supply	Non-confidential	Yes
UK Power Networks	Non-confidential	This would be sensible going forward. However, instead of using 31 May 2014, the date should be

		square bracketed to reference the date of implementation.
Company	Confidential/ Anonymous	4b. Documents not designated as confidential by the Panel in accordance with clause 57.1 would be available to the public on request, even if produced before 31 May 2014. Are you supportive of this approach? Please provide supporting comments.
GDF SUEZ Marketing Limited	Non-confidential	No, as contributors to and publishers of these document will not have drafted them on the assumption that they would be made public. Perhaps parties identified in documents could be asked for permission to make a pre-May 2015 document public on request, on the understanding that such permission could be withheld.
GTC	Non-confidential	We are supportive that such documents should be made available. However. We refer to our response to 4A
npower	Non-confidential	No. We believe that a consistent start date (31 May 2014 or later) for document availability is preferable.
Reckon LLP	Nothing confidential	Yes. Limiting the need for the Secretariat to check confidentiality for old documents to cases where there is an explicit request is a reasonable approach.
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	No – we believe that only documents produced on or after the effective date of the Change, if approved, should be available. It is possible that certain information may have been expressed differently, or even marked as confidential, if the submitting Party had been aware at the time of writing that the information may become publicly accessible at a later date. This is therefore an unreasonable provision and the legal text requires to be amended accordingly. We also believe that it needs to be clear that any documents covered by Clause 57.3.1, regardless of date, would not be available to the public on request, for the avoidance of doubt.
SSE Energy Supply	Non-confidential	Yes
UK Power	Non-confidential	No. It is not clear that this is achieved by the Legal Text. The date for making the documentation

Networks		available should be from the implementation date rather than being backdated. Prior to 31 May, or indeed implementation of this change, such information would have been provided on the understanding it was not published widely. Retrospective legal changes should not be made.
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Company	Confidential/ Anonymous	5. Do you believe having this access in the public domain causes any commercial issues or may have unintended consequences?
GDF SUEZ Marketing Limited	Non-confidential	Allowing voting records to be made public could have unintended consequences as it could reveal commercial strategies and issues to competitors, and send signals to potential customers that could easily be misinterpreted. Most other codes do not use a party, as opposed to panel voting system in the way that DCUSA does and special attention should be given to this area unless it is already agreed to be excluded from this change.
GTC	Non-confidential	We are not aware of any.
npower	Non-confidential	It is difficult to tell if that would be the case. However, we would expect the Panel to sanction those documents and details that would be made available.
Reckon LLP	Nothing confidential	No adverse issues or unintended consequences.
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	No.
SSE Energy Supply	Non-confidential	No

UK Power Networks	Non-confidential	<p>Any information submitted as Confidential should be excluded from publication on the website or being made available.</p> <p>All information submitted in the past has been submitted in the knowledge it is only available for use in the development of DCUSA. This may have included information which is not intended for public access, such as DCP 133 where information was provided by Working Group members on the specific understanding it was only for use in developing that change.</p> <p>There would be no commercial issues or unintended consequences if this change proposal is only applied going forward.</p>
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Company	Confidential/ Anonymous	6. The Working Group considers that DCUSA General Objective 2¹ is better facilitated by DCP 211; do you agree with this opinion? Please provide supporting comments on this and any other DCUSA General Objective you feel is impacted by DCP 211.
GDF SUEZ Marketing Limited	Non-confidential	Agree, subject to comments made here.
GTC	Non-confidential	We agree that objective 2 is better facilitated for the reasons presented by the working group
npower	Non-confidential	We believe that General Objective 4 would be better facilitated.
Reckon LLP	Nothing confidential	Yes.
Southern Electric Power Distribution plc and Scottish Hydro Electric Power	Non-confidential	We agree that this Change may better facilitate General Objective 2.

¹ The facilitation of effective competition in the generation and supply of electricity and (so far as is consistent therewith) the promotion of such competition in the sale, distribution and purchase of electricity

Distribution plc		
SSE Energy Supply	Non-confidential	Yes
UK Power Networks	Non-confidential	If the changes we have suggested are incorporated Objective 2 would be bettered.

Company	Confidential/ Anonymous	7. Do you agree with the implementation date of DCP 211?
GDF SUEZ Marketing Limited	Non-confidential	Yes, provided the safeguards noted above have been put in place by the implementation date.
GTC	Non-confidential	Agreed
npower	Non-confidential	Yes, the implementation date would seem reasonable.
Reckon LLP	Nothing confidential	Yes.
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	Yes.
SSE Energy Supply	Non-confidential	Yes

UK Power Networks	Non-confidential	Yes
Company	Confidential/ Anonymous	8. Are there any alternative solutions or matters that should be considered by the Working Group?
GDF SUEZ Marketing Limited	Non-confidential	No.
GTC	Non-confidential	None that we are aware of
npower	Non-confidential	No.
Reckon LLP	Nothing confidential	No.
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	Not that we are aware of.
SSE Energy Supply	Non-confidential	No
UK Power Networks	Non-confidential	Response forms currently include a provision for Parties to state whether they are Confidential, Non-confidential, Anonymous or Other. The Legal Text needs to cater for these and other confidential submissions not being published.