

# DCP 329 Working Group Meeting 01

07 January 2019 at 10:00am

Web-Conference

Attendee	Company
<b>Working Group Members</b>	
David Spillett (DS)	ENA
Peter Waymont (PW)	UKPN
Richard Brady (RB)	WPD
Richard Hill (RH)	British Gas
Graham Cotton (GC)	ESP Utilities Group
Jason Sheridan (JS)	Ofgem
<b>Code Administrator</b>	
Angelo Fitzhenry (Chair)	ElectraLink
Richard Colwill [RC] (technical secretariat)	ElectraLink

Apologies	Company
Peter Turner	NPg

## 1. Administration

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- 1.1 The Chair welcomed the members to the meeting.
- 1.2 The Working Group reviewed the “Competition Law Guidance”. All Working Group members agreed to be bound by the Competition Law Guidance for the duration of the meeting.
- 1.3 The Terms of Reference for the meeting were reviewed and the Working Group agreed that these were a fair and accurate representation of the Working Group’s objectives and agreed to be bound by them for the duration of the Working Group.

## 2. Purpose of the Meeting

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- 2.1 The Chair set out that the purpose of the meeting was to introduce a new Change Proposal (CP) and discuss the reasoning for it being raised and the potential solution.

## 3. Overview of the DCP 329 Change Proposal

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- 3.1 DS provided an overview of the content of DCP 329 which acts as attachment 1 to these minutes. The intent of this Change Proposal is to revise/amend the National Terms of Connection, to allow for the De-energisation of a Customer’s Installation by the Customer without the need to obtain prior agreement from the Licenced Distributor, where the condition or manner of operation of the Distribution System or the connection equipment poses an immediate threat of injury or material damage to any person or property.
- 3.2 The proposer recognises that it is necessary for a competent person to de-energise a customer’s installation but was concerned that the current wording within the legal text is ambiguous. The current wording is as below:

### *Emergency De-energisation*

#### *5.1 If, in the reasonable opinion of:*

*5.1.2 the Customer, the condition or manner of operation of the Distribution System or the Connection Equipment poses an immediate threat of injury or material damage to any person or property (including the Customer’s Installation), then the Customer shall have the right with the prior agreement of the Company to De-energise the Customer’s Installation if it is necessary or expedient to do so to avoid the occurrence of such injury or damage*

- 3.3 The proposers concern is with the text “with the prior agreement of the Company” and that there are a few different ways in which this could be interpreted. One interpretation discussed was that at the time of an emergency you would need to contact the distributor for agreement before de-energising, which would not be appropriate. The other interpretation is that the prior agreement with the distributor is established between the distributor and customer in a contract and therefore in the case of an emergency the prior agreement to de-energise is already satisfied.

- 3.4 To eliminate the above concerns the proposer has asked the Working Group to consider alternative wording to the legal text.

## 4. Review of the DCP 329 Change Proposal

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- 4.1 The Working Group reviewed the CP. It was noted that there were other sections of the National Terms of Connection which relate to de-energisation and these are referenced below:

***Section 3, 8.1 (page 386) - This Section only applies to connections with 'C/T metering' or connections to unlicensed distribution systems that do not have their own settlement meters at the boundary with the network but would most likely be metered with C/T metering if they were metered***

*Only Authorised Persons will be allowed to operate the Company's Equipment, the Metering Equipment and/or the Monitoring Equipment (including for the purposes of connecting any Metering to the Metering Equipment), and shall only do so in accordance with Good Industry Practice.*

***Section 3, 9.1 (page 387)***

*Each Party shall ensure that its agents, employees and invitees (including, in the case of the Customer, tenants, licensees and other occupiers of the Premises) do not interfere in any way with any of the Plant or Apparatus of the other Party without the consent of such other Party, except where emergency action has to be taken to protect the health and safety of persons or to prevent material damage to property. Neither Party shall knowingly do (or omit to do) anything which would cause the other Party to breach the Regulations.*

***Section 4, 9.1 (page 432) - This Section 4 only applies to 'unmetered supplies.***

*Only Authorised Persons will be allowed to operate the Company's Equipment and/or the Monitoring Equipment, and shall only do so in accordance with Good Industry Practice.*

***Section 4, 10.1 (page 433)***

*Each Party shall ensure that its agents, employees and invitees do not interfere in any way with any of the Plant or Apparatus of the other Party without the consent of such other Party, except where emergency action has to be taken to protect the health and safety of persons or to prevent material damage to property. Neither Party shall knowingly do (or omit to do) anything which would cause the other Party to breach the Regulations.*

- 4.2 It was noted that whilst the legal text within Section 3, 9.1 and Section 4, 10.1 above does not state "with the prior agreement of the Company" in regards to emergency action, it does state in Sections 3, 8.1 and Sections 4, 9.1 that only Authorised Persons will be allowed to operate the company's Equipment, the Metering Equipment and/ or the Monitoring Equipment.
- 4.3 The Working Group considered some alternative text to the legal text in Section 3, 5.1.2 and concluded the following options:
1. Keep current text and define "prior agreement"
  2. Remove the current text "with the prior agreement of the Company" and replace with "Customer shall have the right subject to clause 8.1 of Section 3".

3. Replace “with the prior agreement of the Company” with “using authorised and safe means” (to be defined)
4. Leave as is

4.4 The Working Group agreed that it would be necessary to release a consultation to seek industry views. It was agreed that the following questions should be included in the consultation;

- What practices do distributors currently have in place regarding Section 3, 5.1.2?
- How do distributors receive and respond to requests to de-energise? And how many instances have there been in the last three calendar years?
- Have you ever had instances of unauthorised emergency de-energisation and if so what actions, if any, were taken against the person(s) involved?
- In light of the context and background of the proposal do you believe that the wording in 5.1.2 is clear or ambiguous? How do you interpret “with prior agreement of the company” within the current wording?
- How do distributors assess the competency of the person authorised to de-energise?
- Do distributors have a defined documented process for managing this process at present?
- Any other comments?

4.5 It was agreed that the Secretariat would produce a draft consultation document and circulate to the group by 17<sup>th</sup> January 2019. .

**ACTION 01/01: The Secretariat to draft a consultation document and circulate to the Working Group by 17<sup>th</sup> January.**

## 5. Work Plan

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5.1 The DCP 329 Working Group reviewed the Work Plan. It was agreed that it may be beneficial to hold a teleconference prior to releasing the consultation depending on the complexity of any comments received by the Working Group members.

5.2 The Work Plan will be reviewed after the consultation.

## 6. Agenda Items for the next meeting

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6.1 The Working Group agreed to add the following items to the agenda for the next meeting;

- Review and finalise the consultation document (if required).

## 7. Any Other Business

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7.1 There were no items of AOB and the Chair closed the meeting.

## 8. Date of Next Meeting –

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8.1 The date of the next meeting is to be determined.

## 9. Attachments

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- Attachment 1 – DCP 329 Change Proposal
- Attachment 2 – DCP 329 Work Plan

## New and open actions

Action Ref.	Action	Owner	Update
01/01	The Secretariat to draft a consultation document and circulate to the Working Group by 17 <sup>th</sup> January.	ElectraLink	