

# DCP 294 Working Group Meeting 09

05 February 2018 at 10:00am

Web-Conference

Attendee	Company
<b>Working Group Members</b>	
Mark Burton [MB]	UK Power Networks
Michael Doward [MD]	Electricity North West Ltd
Peter Turner [PT]	Northern Powergrid
Simon McKean [SM]	Scottish and Southern Energy Networks
Thomas Cadge [TC]	BUUK
Tim Hughes [TH]	Western Power Distribution
Wendy Mantle [WM]	Scottish Power Energy Networks
<b>Code Administrator</b>	
John Lawton [JL] (Chair)	ElectraLink
Hollie Nicholls [HN] (technical secretariat)	ElectraLink

Apologies	Company
Gwen McIntyre	Scottish and Southern Energy Networks
Mihaly Orban	Scottish and Southern Energy Networks

## 1. Administration

- 1.1 The Chair welcomed the members to the meeting.
- 1.2 The Working Group reviewed the "Competition Law Do's and Don'ts". All Working Group members agreed to be bound by the Competition Laws Do's and Don'ts for the duration of the meeting.
- 1.3 The Working Group agreed that the minutes from the previous meeting, held on 09 January 2018, were a true reflection of the discussions held.

## 2. Purpose of the Meeting

---

- 2.1 The Chair set out that the purpose of the meeting is to review the outstanding actions in order to agree the proposed legal text and agree what the next steps for the change should be.

## 3. Review of the DCP 294 Legal Text

---

- 3.1 The Working Group went through the actions log from the meeting held on 09 January 2018. An updated version can be found as attachment 1.
- 3.2 Development clauses within the CCCM
- 3.3 The Working Group discussed clause 1.51 of the CCCM and agreed that a backstop date needed to be agreed. This can then be included within the development stage definition included at the end of the proposed legal text for the CP.
- 3.4 The Working Group agreed that clause 1.52 will be remaining unchanged and will be retained in the CCCM rather than moving into section 2b of DCUSA.
- 3.5 In regard to clause 1.53, the Working Group highlighted that they were unsure how a process can be designed to cover how any unused capacity could be identified during an annual review. The Working Group agreed that the review process should be down to individual organisations and trying to change this could result in a further CP being raised. This clause will be left as it is currently written.
- 3.6 It was highlighted that there are potentially two ways of interpreting clause 1.54 of the CCCM and one Working Group member voiced that the required capacity that would be needed at the end of the development phase should be agreed at the beginning of the development.
- 3.7 It was suggested that using “original” requested capacity would provide clarity, however, the Working Group agreed that as the CP is at Change Report phase there would be no way for IDNOs to consult on this. The Working Group agreed that this was out of scope for this CP, as it was already at the Change Report stage. The Chair suggested that it could be considered as a separate change or Ofgem to consider as part of their Network Access Task Force work.
- 3.8 The Working Group noted that they were happy with clause 1.55 as it is written.
- 3.9 Definition of development stage
- 3.10 The Working Group discussed the backstop date that would need to be included in the definition of development stage at the end of the proposed legal text for the change.
- 3.11 There were various responses from Working Group members with some representatives suggesting a three-year backstop and some representatives suggesting a five-year backstop whilst others suggested no change.

- 3.12 One Working Group highlighted that within the existing definition it states that the date can be extended if applicable and therefore there would be no need to change from three years to five years.
- 3.13 The Chair requested that a vote be carried out for Working Group to put forward their preference. The majority of Working Group members agreed to change the backstop date from three years to five years.
- 3.14 The Secretariat will update the proposed legal text to reflect this change. The CCCM will remain unaltered apart from this definition.

## **ACTION 09/01: Secretariat**

- 3.15 Bilateral Connection Agreement (BCA) template
- 3.16 The Chair questioned whether all DNO Working Group members used the BCA template that is included in Schedule 13 of DCUSA.
- 3.17 All DNO Working Group members agreed that they used the template which includes the variation clauses within their BCAs.
- 3.18 Ofgem's Network Access Task Force
- 3.19 One Working Group member informed the group that they attended the Network Access Task Force and stated that it is still in the early stages of reviewing the access relationship between DNOs and IDNOs. There is a new paper being published by Ofgem to provide more detail sometime in February and it would be better for the Working Group to review this.
- 3.20 The Chair suggested that the Secretariat should ask Stephen Perry from Ofgem, with a copy to the Ofgem representative of this Working Group as whether this change is better suited to be reviewed by the task force rather than the DCUSA Change Process.

## **ACTION 09/02: Secretariat**

- 3.21 Electricity Connection Charging Regulations (ECCRs)
- 3.22 The Working Group agreed that there was no need to reference the ECCRs in the proposed legal text for this change as they are already covered in Schedule 22, clause 1.35 of DCUSA.
- 3.23 Legal Text Option A and Option B

- 3.24 The Chair highlighted that Option A of the legal text would include the slightly amended variation clause from Schedule 13 and Option B would make reference to Schedule 13 if all DNOs use the BCA template contained within it.
- 3.25 The Working Group members agreed that, although the template BCA contained with Schedule 13 was supported by all DNOs, the preference was for the variation clause to be included, slightly amended to cater for the language within section 2B, within the proposed legal text of this change proposal.
- 3.26 Legal Text Next Steps
- 3.27 The Chair walked through the other changes made to the legal text and the Working Group agreed that they were comfortable with it as it is currently drafted.
- 3.28 The Secretariat agreed to clean the document up and circulate to the Working Group for final review by close of play on Friday 09 February 2018. This will then be sent to the legal advisor on Monday 12 February 2018 for sign off. A copy of the updated legal text can be found as attachment 2.

#### **ACTION 09/03: Secretariat**

## 4. Work Plan and Next Steps

---

- 4.1 The current Work Plan was reviewed by the Working Group and updated to reflect discussions held. An updated version of the Work Plan can be found as attachment 3.
- 4.2 The Working Group agreed that the next steps were as follows:
- The Secretariat to circulate a clean version of the legal text to the Working Group by close of play on 05 February 2018;
  - Working Group to provide any last-minute feedback on the legal text by close of play on 09 February 2018;
  - The Secretariat to forward the legal text to the legal advisors for review on Monday 12 February 2018; and
  - The Secretariat to draft a Change Report.

## 5. Any Other Business

---

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

## 6. Date of Next Meeting: 06 March 2018

---

6.1 The Working Group agreed that the next Working Group meeting will be held on Tuesday 06 March 2018.

## 7. Attachments

---

- Attachment 1 – DCP 294 Updated Actions Log
- Attachment 2 – DCP 294 Updated Proposed Legal Text
- Attachment 3 – DCP 294 Updated Work Plan

## New and open actions

Action Ref.	Action	Owner	Update
09/01	The Secretariat to update the proposed legal text to reflect the change in the backstop date from three years to five years	ElectraLink	
09/02	The Secretariat to gain feedback from Stephen Perry (Ofgem) as to whether the change would be better suited under their Network Access Task Force	ElectraLink	
09/03	The Secretariat to clean up the proposed legal text and circulate to Working Group members for final feedback	ElectraLink	

## Closed Actions

Action Ref.	Action	Owner	Update
01/01	Prepare questions for submission to the DCUSA Legal Advisor.	TC	Action Closed
01/02	Seek Panel approval to request legal advice.	ElectraLink	Action Closed
03/01	ElectraLink to include the suggested questions within the draft consultation document	ElectraLink	Action Closed
03/02	Thomas Cadge to amend the proposed legal text and circulate to ElectraLink for inclusion with the post meeting papers	TC	Action Closed
03/03	ElectraLink to draft the consultation document for circulation on Friday 18 <sup>th</sup> August 2017	ElectraLink	Action Closed
03/04	ElectraLink to update the Work Plan to reflect the discussion held	ElectraLink	Action Closed

<b>04/01</b>	Peter Turner to circulate the Ofgem document “unlocking capacity in the electricity industry”	Peter Turner	Action Closed
<b>04/02</b>	Thomas Cadge to update the Background sections of the consultation document	Thomas Cadge	Action Closed
<b>04/03</b>	John Lawton to provide details on capacity ramping, customer contributions, underutilisation and make the consultation questions more open	John Lawton	Action Closed
<b>04/04</b>	Thomas Cadge to research if there are any other forum that can be included within the impacts and other considerations section of the consultation document.	Thomas Cadge	Action Closed
<b>04/05</b>	Thomas Cadge to re-work the legal text to reflect the discussions held during the meeting.	Thomas Cadge	Action Closed
<b>05/01</b>	Thomas Cadge to draft a further paragraph and open question to be included in the consultation document regarding ECCR.	TC	Action Closed
<b>05/02</b>	The relevant objectives section of the consultation document needed to be updated to reflect the Proposer’s view as to which is better facilitated by the change. ElectraLink to update	ElectraLink	Action Closed
<b>05/03</b>	Thomas Cadge to amend Clause 12E in the draft legal text to align with the National Terms of Connection and DCP 115 decision.	TC	Action Closed
<b>06/01</b>	The Secretariat to update the consultation document to reflect the discussions held, including updating the dates and question numbering.	ElectraLink	Action Closed
<b>06/02</b>	The Secretariat to organise a doodle poll to determine the date of the next meeting so that Working Group members can review the consultation responses.	ElectraLink	Action Closed
<b>07/01</b>	The Proposer took an action to re-evaluate the clauses in the legal text that discuss how to trigger capacity underutilisation and see if it is possible to move away from the 75% trigger figure.	TC	Action Closed
<b>07/02</b>	The Secretariat agreed to update the proposed legal text to reflect the agreed change of a 3-month timeframe instead of 1-month.	ElectraLink	Action Closed

<b>07/03</b>	All WG members to review Schedule 13, clause 8.2 to determine whether it would still be required.	All WG members	Action Closed
<b>07/04</b>	The Proposer to review Schedule 13 (in full) and suggest some recommended amendments to the Secretariat before the next Working Group meeting.	TC	Action Closed
<b>08/01</b>	Working Group members to review the development clauses with the CCCM	All WG members	Action Closed
<b>08/02</b>	Working Group members to review the Development Phase definition	All WG members	Action Closed
<b>08/03</b>	The Secretariat to remove clause 31.12b.2 from the proposed legal text	ElectraLink	Action Closed
<b>08/04</b>	The Secretariat to update the wording within the proposed legal text from “modification” to “variation” or “vary” dependent upon the requirement	ElectraLink	Action Closed
<b>08/05</b>	All DNOs to determine whether they use the BCA template included in Schedule 13	DNO representatives	Action Closed
<b>08/06</b>	All Working Group members to consider how long the majority of their connections take to complete to ensure that the backstop date included in the legal text is realistic	All WG members	Action Closed
<b>08/07</b>	The Secretariat agreed to remove the bracketed section of 39.12b from the proposed legal text	ElectraLink	Action Closed
<b>08/08</b>	Working Group members to review Ofgem’s paper in conjunction with this change to ensure that it would not be better placed in the Network Access Task Force	All WG members	Action Closed
<b>08/09</b>	Working Group members to review the legal text and consider whether the inclusion of a reference to the ECCRs would cover the instance of a ‘second comer’ requesting capacity	All WG members	Action Closed
<b>08/10</b>	The Secretariat to split the proposed legal text into an Option A and Option B for inclusion of the variation clauses from Schedule 13	ElectraLink	Action Closed

**DCUSA**