

DCP 255 Working Group Meeting

14 February 2017 at 10:00am

Web-conference

Attendee	Company
Working Group Members	
Gwen McIntyre [GM]	SSE
Neil Magrath [NM]	UK Power Networks
Paul McGimpsey [PM]	Scottish Power
Peter Turner [PT]	Northern Powergrid
Vanessa Ingley-Buxton [VB]	Western Power Distribution
Code Administrator	
Claire Hynes [CH] (Chair)	ElectraLink
Dan Fittock [DF] (Secretariat)	ElectraLink
Apologies	
Brian Hoy [BH]	ENWL
Mike Harding	BU UK

1. Administration

- 1.1 The Chair welcomed the attendees 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 reviewed the minutes of the last meeting. Due to the long period of time between the meetings, the Working Group walked through the minutes and, although noting that

some of the discussion points have progressed since the last meeting, agreed that these were an accurate representation of the discussions held.

2. Purpose of the Meeting

- 2.1 The Chair confirmed that the purpose of this meeting was to review the BEIS ECCR 2017 Final Version, review the DCP 255 Legal Text and review the DCP 255 Draft Change Report.

3. Review of the DCP 255 Draft Legal Text

- 3.1 The Working Group reviewed the DCP 255 draft legal text and a number of discussions were held regarding specific clauses. An overview of these discussions has been included below:

- **Clause 1.22:** A Working Group member suggested that the use of the term ‘in full’ was incorrect as DNOs now pay by proportion. Other Working Group members noted, however, that if the reinforcement costs have been paid in part by the customer, then the DNO have paid their apportioned costs. The Working Group agreed that the term ‘in full’ was correctly used in this instance.
- **Clause 1.35:** It was suggested that this clause may require additional clarity, however upon review of the clause within the full context of the Schedule, it was agreed that this was not required.
- **Clause 1.36:** The Working Group discussed this clause and noted that it was originally drafted with network reinforcement in mind, rather than to allow DNOs to charge in proportion for the extension of assets and in some cases allow for additional customer connections. It was agreed that the wording of this clause was correct and that no changes were required.
- **Clause 1.37:** Working Group members noted concerns that this clause was not drafted correctly and that there was an erroneous use of the word ‘which’. The Working Group agreed to remove ‘which’ and were happy that the clause was now correct.
- **Clause 1.38:** It was queried whether Clauses 1.37 and 1.38 should be updated to include references to the ECCR 2017, however the Working Group agreed that to ensure the document remained futureproofed the amendments should be kept at as high a level as possible. Members noted that there had not been references made elsewhere within Schedule 22 to ECCR 2017. On this basis the Working Group agreed that no changes were required.
- **Definitions:** The definitions were updated to reflect the correct date of 2017 instead of 2016.

- 3.2 An updated version of the DCP 255 Legal Text has been provided as Attachment 1.

4. Review of the BEIS ECCR 2017 Final Version

4.1 The Working Group reviewed the Department for Business, Energy and Industrial Strategy (BEIS) ECCR 2017 Final Version and noted a number of points:

- The use of the term ‘Eligible persons’ is not used within DCUSA and Working Group members discussed whether it was worth linking DCUSA to the relevant guidance document where this term is used. The Working Group agreed that as this may require updating in future, it was not a prudent course of action.
- The Chair questioned the Working Group on what would happen if the ‘Eligible person’ is the eligible distributor. The Working Group Members agreed that this provision has already been included in the legal text developed by BEIS and DNOs and that no amendments are required to cover these instances.

5. Work Plan

5.1 The Working Group reviewed the DCP 255 Work Plan and noted that due to the delay in BEIS developing the ECCR 2017 legal drafting, the Work Plan would require updating.

5.2 ElectraLink agreed to take an action to update the Work Plan and circulate this to the Working Group.

ACTION 04/01: ElectraLink

6. Next Steps

6.1 The DCP 255 Working Group agreed to the next steps as follows:

- The Working Group will have one week to review the legal text and provide feedback to ElectraLink; and
- ElectraLink to send the legal text to the DCUSA Legal Advisor for review by 21 February 2017 and issue an e-mail to all Working Group Members to ensure that feedback is provided simultaneously on the legal text due to the tight deadlines for this change.
- ElectraLink to update the DCP 255 draft change report and circulate to Working Group members to review.

ACTION 04/02: ElectraLink

7. AOB

7.1 There were no items of any other business.

8. Next Meeting

8.1 The Working Group agreed that any outstanding actions should be closed ex-committee and do not foresee the requirement for any additional meetings.

9. Attachments

- Attachment 1 – DCP 255 Legal Text

New and open actions

Action Ref.	Action	Owner	Update
04/01	To update the Work Plan and circulate this to the Working Group.	ElectraLink	Completed post-meeting.
04/02	To send the legal text to the DCUSA Legal Advisor for review by 21 February 2017 and issue an e-mail to all Working Group Members to ensure that feedback is provided simultaneously on the legal text due to the tight deadlines for this change.	ElectraLink	Completed post-meeting.

Closed actions

Action Ref.	Action	Owner	Update
01/02	Seek the proposers views on the changes that they have made to the draft legal text.	ElectraLink	Complete
03/01	Set out a description of the changes to the ECCR and how it will impact Parties in the change report.	Neil Magrath	Complete

03/02	Contact Julian Rudd to ascertain DECC's view on the correct interpretation of who is refunded in the ECCR legal text	Neil Magrath	Complete
03/03	Seek further detail on the ECCR 2016 5 (3) where under the title 'Obligation to Make a Reimbursement Payment' the legal text refers to a person appointed by the Authority to determine the dispute.	Lesley Ferrando	Complete
03/04	<p>Consider whether the proposed wording for the last sentence of Clause 1.29 of 'If ECCR 2016 applies, an ICP may now be a first comer and a second comer' best meets its purpose in light of:</p> <ul style="list-style-type: none"> - the new definition of Eligible Person and - the clarification from DECC on who receives this refund i.e. the ICP or the ICPs client on completion of Action 03/02. 	All	Complete

03/05	Seek an example where the application of Clause 1.36 may occur for discussion at the next meeting	All	Complete
03/06	Agree the purpose of legal text drafting in Clause 1.38 ex-committee and provide your view to the Working Group for consideration	Neil Magrath and Peter Turner	Complete
03/07	Notify the DCUSA Panel that the implementation date for this change has been amended to October 2016 and to reconsider the designation of this CP as urgent and update the DCP 255 work plan accordingly	ElectraLink	Complete