

# DCP 242 Working Group Minutes

<b>Meeting Name</b>	DCP 242 Working Group
<b>Meeting Number</b>	03
<b>Date</b>	18 August 2015
<b>Time</b>	10:30
<b>Venue</b>	Teleconference

Attendee	Company
Harminder Basi [HB] (Chair)	UK Power Networks
Lee Wells [LW]	Northern Powergrid
Keith Burwell [KB]	Ofgem
Peter Waymont [PW]	UK Power Networks
Dave Wornell [DW]	Western Power Distribution
Bernard Kellas [BK]	SSE Energy Supply
Pat Wormald [PWm]	Northern Powergrid
Michael Walls [MW] (Secretariat)	ElectraLink

## 1 ADMINISTRATION

- 1.1 Apologies were received from Julia Haughey (EDF Energy) and Jonathan Wisdom (Npower).
- 1.2 As JW has sent through his apologies, HB agreed to act as Chair for the meeting.
- 1.3 The minutes of the previous meeting were agreed without amendment. A list of all actions, both opened and closed, is included as Appendix A.

## 2 COMPETITION LAWS DO'S AND DON'TS

- 2.1 The Working Group agreed to be bound by the Competition Laws Do's and Don'ts during the course of the Working Group.

## 3 LEGAL TEXT DISCUSSION

- 3.1 PW explained that the DCP 161<sup>1</sup> legal text goes live on 1 April 2016, and DCP 242 tries to unpick that from 2016 and reinstate it in 2018. PW felt that what this CP's legal drafting would have to do is to remove everything that DCP 161 introduces instead of adding in text to delay the implementation.
- 3.2 It was felt by PW and some Working Group members that this could be as simple as to state that none of the changes should be made in 2016, but do it in 2018. It was noted that it is important to ensure the model changes are not made in 2016 but in 2018.
- 3.3 DW then went through the rationale behind the way the legal text had been drafted. It was felt that potentially a footnote could be added into this to explain in the model version number that this does not pick up the changes brought in by DCP 161.

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<sup>1</sup> Excess Capacity Charges

- 3.4 KB then brought it to the group's attention that there are two clauses in DCUSA, 14.7 and 14.8, which allows for a scenario such as the one DCP 242 tries to address. DCP 14.7 allows for the DCUSA Panel to make a representation to the Authority to request that a CP that has already been approved be deferred when it is not reasonably practicable to implement it on the approved implementation date.
- 3.5 DCUSA Clause 14.8 allows for a Party to make a representation to the Authority regarding the deferment of an approved CP.
- 3.6 PW offered to seek legal advice on the updated legal text, which includes the footnote about the deferred implementation date, and the two DCUSA clauses which the Working Group could consider as a way forward to progress the CP. PW will also raise this at the August DCUSA Panel meeting for further guidance.

**Action 03/01: PW**

#### **4 WORK PLAN AND TIMETABLE**

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- 4.1 The DCP 242 Working Group agreed that the next steps as follows:
- PW to seek legal advice on the updated legal text, which includes the footnote about the deferred implementation date, and the two DCUSA clauses which the Working Group could consider as a way forward to progress the CP.
  - The Working Group agreed to meet via teleconference on Thursday, 20 August in order to be updated regarding the legal advice, and also DCUSA Panel comments.

#### **5 ANY OTHER BUSINESS**

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- 5.1 There were no items of any other business.

#### **6 NEXT MEETING**

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- 6.1 The Working Group tentatively scheduled a Working Group meeting for 10:00 on Thursday, 20 August 2015. This would be to receive the feedback from the DCUSA Panel and decide a way forward.

**APPENDIX A: SUMMARY OF ACTIONS**

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**NEW AND OPEN ACTIONS**

Action Ref.	Action	Owner	Update
03/01	PW to seek legal advice on the updated legal text, which includes the footnote about the deferred implementation date, and the two DCUSA clauses which the Working Group could consider as a way forward to progress the CP. PW will also raise this at the August DCUSA Panel meeting for further guidance.	ElectraLink	

**CLOSED ACTIONS**

Action Ref.	Action	Owner	Update