

DCP 242 Working Group Minutes

Meeting Name	DCP 242 Working Group
Meeting Number	04
Date	20 August 2015
Time	10:00
Venue	Teleconference

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

1 ADMINISTRATION

- 1.1 Apologies were received from Jonathan Wisdom (Npower).
- 1.2 As JW has sent through his apologies, HB agreed to act as Chair for the meeting.

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 UPDATE/PROGRESSION OPTIONS

- 3.1 HB explained that at the last meeting that the legal text for DCP 242 was discussed. In particular, the comments and suggestions from PW. The conclusions were that there were 3 options available to the group: 1. Continue with the CP and unpick the legal drafting from DCP 161 due to be implemented in April 2016, 2. The DCUSA Panel can make a representation to the Authority to amend the implementation date of DCP 161, and 3.
- 3.2 PW explained that he had sought legal advice on these options and the advice from the lawyers was circulated in an email. It essentially recommended that the most efficient way to delay DCP 161 would be to employ one of the existing clauses that is already in the DCUSA.
- 3.3 It was also highlighted that this issue was discussed at the DCUSA Panel meeting on Wednesday, 19 August 2015. The view of the Panel was the same as the legal advice, that it seems more efficient to use one of the existing clauses to remedy the situation that DCP 242 is trying to address.

- 3.4 The group discussed whether DCP 242 should be withdrawn if it is decided to go down the progression route of using one of the clauses; JH wanted to place the CP on hold, and go down the route of the legal advice.
- 3.5 BH advised that the preferable way in her view also would be to use the provisions within DCUSA. JH asked if the same KPIs would apply (25 business days) for a decision. BH advised that as this is not a full decision on a CP as it's already been approved, and it is only about a deferment it may be that this is decided more quickly and if possible, Ofgem will endeavour to do this.
- 3.6 PW noted a concern with what is reasonably practicable in regard to the DCUSA clause 14.7, and whether a Party should make the representation to the Authority instead of the DCUSA Panel.
- 3.7 DW offered to make the representation to Ofgem on behalf of the Working Group. It will go directly to Ofgem under clause 14.8. PW thought the letter that is drafted should explain that it came about from discussions in the DCP 242 Working Group. It was also felt that the consultation responses should be used as an attachment for the Authority.
- 3.8 PW offered to draft a letter and send to DW (proposer of DCP 242) for his consideration, and then this can be progressed quickly. Once complete, and DW has submitted the request to the Authority, ElectraLink will be sent a copy and that will be forwarded to the Working Group.

4 WORK PLAN AND TIMETABLE

- 4.1 The DCP 242 Working Group agreed that the next steps as follows:
- PW to draft a letter and send to DW (proposer of DCP 242) for his consideration, and subsequently, DW will submit this to the Authority for consideration.
 - Once complete, DW will send a copy to ElectraLink and that will be forwarded to the Working Group.

5 ANY OTHER BUSINESS

- 5.1 There were no items of any other business.

6 NEXT MEETING

- 6.1 The Working Group did not schedule a further meeting; it will await the outcome of the letter that will be sent to the Authority on amending the implementation date of DCP 161.

APPENDIX A: SUMMARY OF ACTIONS

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	
04/01	PW to draft a letter and send to DW (proposer of DCP 242) for his consideration, and then this can be progressed quickly. Once complete, and DW has submitted the request to the Authority, ElectraLink will be sent a copy and that will be forwarded to the Working Group.	PW, DW and ElectraLink	

CLOSED ACTIONS

Action Ref.	Action	Owner	Update