

DCP 214 Working Group Minutes

Meeting Name	DCP 214 Working Group
Meeting Number	6
Date	24 February 2015
Time	10:00
Venue	Web- Conference

Attendee	Company
Kevin Woollard (KW) (Chair)	British Gas
Amanda Rooney [AR]	Ofgem
Angus Rae [ANR]	SSE Distribution
Julia Haughey (JH) (part meeting)	EDF Energy
Peter Waymont [PW]	UK Power Networks
Sasha Pearce [SP]	Npower
Stacey Buck [SB]	GTC
Peter Collinson (PC)	Northern Powergrid
Claire Hynes [CH] (Secretariat)	ElectraLink Limited

Apologies	Company
Tony Savka	ENWL

1 ADMINISTRATION

- 1.1 The minutes of the previous meeting were approved without amendment.
- 1.2 The Working Group reviewed and updated the actions list which acts as Appendix A.

2 COMPETITION LAWS DO'S AND DON'TS

- 2.1 The Working Group agreed to act in accordance with the Competition Laws Do's and Don'ts for the duration of the meeting.

3 REVIEW OF THE DCP 214 AND DCP 214A DRAFT LEGAL TEXT

- 3.1 The Working Group considered the DCP 214 draft legal text (which supports Option 4) and the DCP 214A draft legal text (which supports Option 3) which had been legally reviewed by the DCUSA legal advisor (Wragge & Co.).
- 3.2 All Working Group members confirmed that they were satisfied with the amendments to the DCP 214A draft legal text.
- 3.3 The DCP 214 Change Proposal (CP) proposes to introduce a "no interest or neutral" outcome into the voting mechanism. AR raised concerns in regards to the DCP 214 proposed legal text drafting in the scenario where the outcome of voting in the Party Categories has not resulted in a greater or less than 50% approval or rejection of a CP the legal text stipulates that the Authority send back the CP.

Proposed Clause 13.5.3

“in all other cases, be deemed to recommend to the Authority that the proposal should be sent back to the Panel for further consideration”.

- 3.4 AR considered that Ofgem’s powers to send back a CP are specific and evidence based and warned that a lack of Party voting would not meet the criteria for sending back a change. The Authority would be required to make a decision based on the number of votes provided.
- 3.5 One member raised a concern that where a CP did not receive enough votes that it could end up in a cycle where it is continuously sent back to the Working Group and may never reach a conclusion. AR advised that in the DNO’s licence it stipulates that the DCUSA Panel must give its opinion on the CP and that this had been interpreted differently in DCUSA where both the Panel and the Parties must give their opinion.
- 3.6 The legal text comment from the Ofgem attendee raised concerns around ensuring engagement from Parties and specifically Small Suppliers. Members considered whether to speak with the Small Suppliers forum in order to determine why the involvement in the codes is low and why few Small Suppliers choose to exercise their right to vote even on CPs that will have a large impact on them, such as DCP 178.
- 3.7 Members considered whether a Small Supplier Parties Category similar to those in other codes should be added to the DCUSA voting process and whether further analysis should be undertaken to give an overview of weighted voting between Large Suppliers and Small Suppliers.
- 3.8 The Working Group considered the comments provided by Wragge & Co. on the DCP 214 proposed legal text:
 - Wragge & Co. noted that the “Licence condition 22.12A refers to parties being able to vote for the recommendation to the Authority to approve or reject” and that it did not refer to the outcome of DCP 214 of approve/ reject or withdraw.
 - Wragge & Co. also noted that the Energy Act 2004 appeals mechanism excludes appeals where Ofgem’s decision gives effect to the recommendation of DCUSA parties and did not cover the proposed outcome to withdraw the change.
- 3.9 Members noted that the introduction of the DCP 214 solution would not be a contravention of the appeal mechanism or Standard Licence Condition 22.12A if the solution was found to be of a greater benefit.
- 3.10 PW agreed to draft legal text to address the comments discussed at the meeting and provide further text on the DCP 214 solution for inclusion in the change report.

ACTION 06/01: PW

4 REVIEW OF THE DCP 214 AND DCP 214A CHANGE REPORT

- 4.1 The Working Group reviewed and amended the DCP 214 and DCP 214A change report, the red-lined change report capturing the agreed changes acts as Attachment 1.
- 4.2 Members requested for the Secretariat to check the responses to question 13 and clarify that the text referring to ‘potentially assigning a Working Group member to a small Party’ is correct.

ACTION 06/02: ELECTRALINK

5 WORK PLAN

- 5.1 The Working Group agreed for the DCP 214 and DCP 214A Change Report to be submitted to the DCUSA Panel on the 11 March following consideration of PWs updates to the DCP 214 proposed solution on the 06 March 2015.

6 NEXT MEETING

- 6.1 The next meeting of the Working Group will be a webinar at 1pm on 06 March 2015.

7 ATTACHMENT

Attachment 1 – Red-Lined Draft DCP 214 and DCP 214A Change Report

APPENDIX A: SUMMARY OF ACTIONS**NEW AND OPEN ACTIONS**

Action Ref.	Action	Owner	Update
06/01	Draft legal text to address the comments discussed at the meeting and provide further text on the DCP 214 solution for inclusion in the change report.	Peter Waymont	06 March 2015
06/02	Check that the consultation response to question 13 which proposes 'potentially assigning a Working Group member to a small Party' is correct.	ElectraLink	06 March 2015

CLOSED ACTIONS

Action Ref.	Action	Owner	Update
05/01	Raise option 3 as an alternative change proposal.	Kevin Woollard	24 February 2015: Closed.
05/02	Send the draft legal text to Wragge & Co. and seek their advice with regards to the use of ' <i>withdrawn</i> ' in Clauses 13.5.3 and 13.8 for Option 4	Peter Waymont	24 February 2015: Closed.
05/03	ElectraLink to finalise the Change Report and circulate it to PW and KW for review prior to its circulation to members of the Working Group.	ElectraLink, Peter Waymont and Kevin Woollard	24 February 2015: Closed.
05/04	Arrange a web-conference for 10:00 on 24 February 2015.	ElectraLink	24 February 2015: Closed.