

DCP 211 Working Group Minutes

Meeting Name	DCP 211 Working Group Meeting
Meeting Number	03
Date	5 November 2014
Time	10:00
Venue	Web-conference

Attendee	Company
Tony Savka [TS] (Chair)	ENWL
Franck Latrémolière [FL]	Reckon LLP
Angus Rae [AR]	SSE
Alex Greetham [AG]	UKPN
Maria Hesketh [MH]	Scottish Power
Raymond Elliot [RE]	Ofgem
Rosalind Timperley [RT]	ElectraLink Limited

Apologies

Amanda Rooney	Ofgem
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1 ADMINISTRATION

- 1.1 The minutes of the last meeting were approved without amendment.
- 1.2 The Working Group reviewed the “Competition Law Dos and Don’ts”. All Working Group members agreed to the terms set out in the document.

2 DCP 211 LEGAL TEXT REVIEW

- 2.1 The Working Group reviewed legal text for DCP 211 which had been prepared by FL. This text is provided as Attachment 1. The group agreed that this text met the intent of DCP 211, as defined by the proposer.
- 2.2 The group discussed whether meeting minutes should be withheld from being published on the DCUSA website until they have been signed off by the Working Group. It was observed that this would impact upon those not present at the meeting who would need to wait for the minutes to become available, which could delay them from becoming involved in the progress of the CP.
- 2.3 The proposer of DCP 211 highlighted that the purpose of the CP is not to amend the way in which the minutes are produced.

3 DISCUSSION ON DCP 211 ALTERNATIVE

- 3.1 The proposer of DCP 211A sought attendees views on whether the following elements should be included within the alternative CP.

Levels of Confidentiality

- 3.2 It was queried whether, when information is submitted, it should be possible to flag it as different levels of confidential, e.g. whether an item is confidential to Parties, the DCUSA Board, the DCUSA Panel, Secretariat and/or a Working Group.
- 3.3 The Working Group discussed this suggestion and agreed that the current classifications were sufficient and that further levels were not required.
- 3.4 It was confirmed that anything flagged as confidential would be submitted to whichever group it had been intended for and should not be shared with those outside of that group, with the exception of the Authority.

Consequences of Breaching Confidentiality

- 3.5 It was queried what would be the consequences of an individual with access to confidential information breaching that confidentiality. The group noted that if an organisation wilfully published information that was flagged as confidential then it would be damaging for their reputation. There could also be the potential for legal redress.
- 3.6 Members was agreed that the DCP 211A legal text did not require any wording around the consequences of breaching confidentiality.

Differentiating between Anonymous and Confidential

- 3.7 It was highlighted that currently DCUSA consultation responses, in full or in part, can be submitted as anonymous responses. It was queried whether the ability to submit other items anonymously should be incorporated into the DCP 211A legal text. For example, should it be possible to submit anonymous comments when voting on CPs.
- 3.8 The Working Group noted that Parties could submit voting comments directly to the Authority should they wish to do so. The group observed that historically voting comments may have been made that Parties would not wish to be openly published should DCP 211 be approved. To review all historic comments and determined whether Parties would be happy for them to be openly published would not be practicable.
- 3.9 It was agreed that the ability to differentiate between anonymous or confidential did not need to be incorporated into the DCP 211A legal text.

4 REVIEW OF DRAFT CHANGE REPORT

- 4.1 The Working Group amended paragraph 2.5 of the DCP 211/ 211A Change Report to say “after 31 May” rather than “on or before 31 May”. The latest version of the Change Report is provided as Attachment 2.
- 4.2 Working Group members agreed to review the Change Report and submit comments prior to the next Working Group meeting.

Action 03/01: All

5 WORK PLAN

- 5.1 The next steps for DCP 211 were agreed as follows:
- AG to circulate DCP 211A legal text to Working Group members by 13 November 2014
 - Working Group members to review the DCP 211A legal text and DCP 211/ DCP 211A Change Report and submit comments prior to the next Working Group meeting.

6 ANY OTHER BUSINESS

- 6.1 There were no items of any other business.

7 NEXT MEETING –

- 7.1 The next DCP 211 Working Group meeting is at 10am on Thursday 20 November 2014 at 10am via webinar.

8 ATTACHMENTS

- Attachment 1 - DCP 211 Legal Text
- Attachment 2 - DCP 211 Change Report

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

Action Ref.	Action	Owner	Update
02/03	prepare suggested wording that would address concerns around mis-interpretation of paragraph 5.3.10	AG	On going
02/05	Raise an alternative CP in which there is no retrospective publication and prepare legal drafting for it. It was observed that in the alternative to DCP 211 there will be no need to change paragraph 5.3.10 to give access to documents other than the DCUSA.	AG	On going
02/06	Clarify Clause 57.3 and 57.1 in both DCP 211 and the Alternative to DCP 211.	FL (DCP 211) and AG (DCP 211A)	On going
03/01	Review the DCP 211/211A Change Report and submit comments prior to the next Working Group meeting.		

ACTIONS AGREED CLOSED AT THE MEETING

Action Ref.	Action	Owner	Update
02/01	Circulate the DCUSA website Terms and Conditions to the Working Group and also provide details on the website access levels.	RT	Closed
02/02	Contact GDF Suez to explain that DCUSA Parties have access to all voting records.	TS	Closed
02/04	Review this suggested wording prepared under action	FL	Closed

	02/03 before it is circulated to the Working Group		
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