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for energy consumers

DCUSA Panel Chair, DCUSA Panel,
Electricity Distribution Network
Operators, Electricity Suppliers and
other interested parties

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Dear Donna,

Authority decision to send back DCUSA modification proposal DCP194 'Panel Sending Back Change Reports'

On 20 January 2014, the DCUSA Panel submitted a Final Modification Report (FMR) for DCUSA modification proposal DCP194 'Panel Sending Back Change Reports'.

We have decided that we cannot form an opinion on DCP194 based on the FMR as submitted to us as we consider there to be a defect in the legal drafting.

The legal text as drafted does not take into account the previous changes to DCUSA Clause 11.22 in accordance with DCP170. DCP170 was approved by us on 19 December 2014 and made changes to Clause 11.22, which the implementation of DCP194 would (unintentionally) override by virtue of the overlapping changes to legal text. In addition, the DCP194 change would not have its intended effect if implemented within clause 11.22 as it is currently drafted (ie post DCP170), based on the legal drafting in the DCP194 FMR.

We therefore direct that further work is undertaken in order to ensure that the legal drafting is aligned with the intention expressed in the proposal, namely, to insert text to allow the send back of reports to Work Group. We are disappointed that the error in the legal drafting was not corrected prior to submission of the FMR. We note that it was highlighted by a DCUSA Party in a response to the DCUSA voting request. We consider DCUSA should have in place appropriate processes to ensure errors are corrected before submission.

After addressing the issues discussed above, and revising the FMR and legal text accordingly, the DCUSA Panel should re-submit DCP194 to us for decision as soon as practicable.

Yours sincerely,

Lesley Nugent
Head of Industry Codes and Licensing

Signed on behalf of the Authority and authorised for that purpose