

Minutes

Meeting Name	DCP 173 Working Group
Meeting Number	02
Date	10 September 2013
Time	10:00
Location	Institute of Physics, 76 Portland Place, London, W1B 1NT

Attendee	Representing
Pat Wormald [PW] (Chair)	Northern Power Grid
Anika Brandt [AB]	SSE Distribution
Ben Tucker [BT]	EDF Energy
Rob Garner [RG] (Teleconference)	ENWL
Chris Ong [CO]	UKPN
Martin Chitty [MC]	PCMG
Richard Ellis [RE] (Teleconference)	WPD
Michael Walls [MW] (Secretariat)	ElectraLink Limited

1 ADMINISTRATION

- 1.1 Apologies were received from Bethany Hanna (Ofgem) and Jonathan Wisdom (Npower).

2 REVIEW OF THE PREVIOUS MINUTES

- 2.1 The Working Group then reviewed the minutes from the previous meeting, and they were agreed without amendment. The updated actions from the previous and current meeting are attached as Appendix A.

3 COMPETITION LAW

- 3.1 The Working Group then reviewed the “CDCM Competition Law Dos and Don’ts” and all Working Group members agreed to the terms set out in the document.
- 3.2 It was noted to the Working Group members that the guidance is published on the DCUSA website with the meeting papers.

4 REVIEW OF THE CONSULTATION RESPONSES FOR DCP 173

- 4.1 PW then explained that the Working Group would be reviewing the consultation responses, and highlighted that there were a large number of customers that responded to the consultation.
- 4.2 It was noted that the aim of the Working Group is to establish and progress the best solution for the Industry.
- 4.3 The Working Group comments to the responses are noted alongside the collated responses as Attachment A.

5 WORKING GROUP OPTIONS

- 5.1 The Working Group discussed how best to proceed taking into consideration the responses to the consultation. It was agreed to refine the description of the intent, as per GTC's consultation response recommendation, within the Change Report and to also invite them to the Working Group.

Action: ElectraLink

- 5.2 The Working Group then discussed about whether to progress two options (Option 1¹ and Option 4²) or whether to progress only one of the options. The Working Group then discussed which one to progress, and also spoke about the comments which were received to the consultation; it was noted that the responses were split among industry parties and customers.
- 5.3 The Working Group then discussed the possibility of raising an alternate CP so that both options could be voted upon by Industry Parties. It was explained that due to the voting guidelines set out in DCUSA, customers aren't able to vote; therefore it was questioned if it was worthwhile developing an alternate CP as that is the only industry group that favoured Option 4 completely.
- 5.4 PW noted that Option 4 will not give commonality for the NHH and HH, and that is an ongoing process in DCUSA to get commonality between the two.
- 5.5 MC noted his preference for Option 4, and explained that he does not see the relevance of developing a solution out of Option 1 which could be legally challenged in court by the Statute of Limitations Act.
- 5.6 PW noted that the group of customers all have such a strong view, which is opposite to the Industry view and it would be interesting to understand the motivation behind the responses. It was also noted that none of the customers that responded did so in the view of having a liability come from the change, but rather a refund. The Working Group noted that this is the other side of the change and it has unforeseen consequences as the total impact is not known.

6 WORKING GROUP ASSESSMENT AND REVIEW OF THE OPTIONS

- 6.1 The Working Group then agreed how to progress the options in the consultation and agreed to the following:

¹ A maximum of 14 months (the settlement period) back from the date of a valid enquiry

² A maximum of 6 years in line with the Statute of Limitation Act 1980

- Option 1 – The Working Group agreed to progress this option forward and have legal text reviewed by the DCUSA legal advisors.
 - Option 2 – In light of the comments and responses received, the Working Group agreed to dismiss this as an option to take forward
 - Option 3 – In light of the comments and responses received, the Working Group agreed to dismiss this as an option to take forward.
 - Option 4 - The Working Group agreed to progress this option forward and have legal text reviewed by the DCUSA legal advisors.
- 6.2 MW took the action to prepare the legal text and circulate it to the Chair and the Proposer before issuing it to the DCUSA legal advisors for review.

Action: ElectraLink

7 WORK PLAN AND NEXT STEPS

- 7.1 The Working Group agreed the following work plan:
- MW to circulate the draft legal text to the Chair and Proposer for review before issuing to the DCUSA legal advisors
 - The Working Group to meet once the comments are received and draft a second consultation which includes the legal text for both Options 1 and 4
- 7.2 There were no other items of business raised at the meeting.

8 DATE/LOCATION OF NEXT MEETING

- 8.1 The Working Group agreed to meet on 2 October by teleconference.

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

Action Ref.	Action	Owner	Update
01/01	ElectraLink to progress the CP through the Work Plan, and its associated actions, as agreed by the Working Group	ElectraLink	
02/01	It was agreed to refine the description of the intent, as per GTC's consultation response recommendation, within the Change Report and to also invite them to the Working Group	ElectraLink	
02/02	MW to prepare the legal text and circulate it to the Chair and the Proposer before issuing it to the DCUSA legal advisors for review	ElectraLink	

ACTIONS AGREED CLOSED AT THE MEETING

Action Ref.	Action	Owner	Update