

DCP 114/115 Working Group Minutes

Meeting Name	DCP 114/115 Working Group
Meeting Number	011
Date	13 April 2015
Time	14:00
Venue	Web-Conference

Attendee	Company
Peter Waymont [PW] (Chair)	UK Power Networks
Franck Latremoliere [FL]	Reckon LLP
John Lawton [JL]	ENWL
Lesley Ferrando [LF]	Ofgem
Matthew Hays Stimson [MHS]	UK Power Networks
Paul McGimpsey [PM]	Scottish Power Distribution
Peter Turner [PT]	Northern Powergrid
Richard Vernon [RV]	Npower
Katherine Rushton [KR] (Secretariat)	ElectraLink

1 ADMINISTRATION

- 1.1 Apologies were received from Tim Hughes (WPD).
- 1.2 The minutes of the previous meeting were agreed without amendment.
- 1.3 The Working Group reviewed the open actions. Updates on all action, including those agreed at the meeting, are provided as Appendix 1.
- 1.4 The Working Group accepted the Competition Laws Do's and Don'ts.

2 REVIEW OF CONSULTATION RESPONSES

- 2.1 The Working Group reviewed the responses to the DCP 114 consultation. The consultation responses, along with the Working Group comments are provided as Attachment 1.
- 2.2 During the review of the consultation responses, the following actions were agreed:
 - Update the DCP 114 legal text as follows:
 - Clause 12.4 – replace 'service' with 'serve'
 - Clause 12.8 – this clause makes reference to clause 12.7.8 and there isn't one. It should refer to clause 12.7.7
 - Clause 12.9 – section 23 of the act entitles either party to refer a dispute, so for clarity within the legal text please replace 'the customer' with 'either party' within clause 12.9
 - Clause 12.4 - should say 'serve' rather than 'service' in the third line
 - At the end of both Clauses 12.7.1 and 12.7.2 the word 'or' should be added
 - Clause 12.7.7 – replace 'be the Authority' with 'by the Authority'

- Amend legal text Clause 12.5 to add an additional sub-clause saying that the customer may propose an alternative agreement pursuant to Clause 22. 2

Action 11/01: ElectraLink

- Ask the DCUSA legal advisor to check for consequential changes to cross references as part of the DCP 114 legal review.

Action 11/02: ElectraLink

- Feedback to GTC that the Working Group believe that they have commented on an earlier version of the DCP 114 and DCP 115 legal text, and provide them with the latest version of the text and invite to comment on this version. In addition, ask GTC why they believe that the drafting of DCP 114 is not compliant with the Electricity Act.

Action 11/03: ElectraLink

2.3 The Working Group then reviewed the responses to the DCP 115 consultation. The consultation responses, along with the Working Group comments are provided as Attachment 2.

2.4 During the review of the consultation responses, the following actions were agreed:

- Update the DCP 115 legal text as follows:
 - Clause 12.8.1 and 12.8.2 - the 'and/or' statement should be 'or'
 - Clause 12.9 –replace 'the customer' with 'either party'
 - Clause 21.1 - the exact cross reference should be included i.e. 12.9 rather than refer to clause 12.
 - Clause 19.5.1 -should be changed to read as follows (and the existing 19.5.2 and 19.5.3 should be renumbered):

"19.5.1 the Customer's right to be Connected (and the Customer's right to the Maximum Import Capacity and/or Maximum Export Capacity) shall end, and;

19.5.2 the Company may De-energise and/or Disconnect the Connection Point; and"
 - In the first line of Clause 12.9 - the word 'party' should be 'Party' (and check if the DCP 114 legal text requires "Party" to be updated too)
 - Amend Clause 12.8 to end with:

"For the avoidance of doubt, neither the variation under 12.8.1 or the modification under 12.8.2 are binding unless otherwise agreed by the customer or directed by the Authority".

Action 11/04: ElectraLink

3 NEXT STEPS

3.1 The Working Group agreed to the following steps for the progression of the change:

- ElectraLink to update the DCP 114/ DCP 115 Change Report by 23 April and then send it to the Working Group chair for review.
- Change Report then to be circulated to Working Group members by 30 April with review comments requested via email.
- ElectraLink to update the legal text based on the consultation responses by 30 April and ask Working Group members to confirm whether they are happy for it to be issued to the DCUSA legal advisor
- Working Group to meet at 10am on Friday 8 May to review the Change Report and updated legal text.

4 ANY OTHER BUSINESS

- 4.1 There were no items of any other business.

5 AGENDA ITEMS FOR THE NEXT MEETING

- 5.1 The Working Group agreed that the items on the agenda for the next meeting would be to:
- Review GTC's clarification of their consultation responses;
 - Review of DCP 114/115 Change Report; and
 - Review of DCP 114/115 legal text

ATTACHMENTS

- Attachment 1 - DCP 114 Consultation Responses with Working Group Comments
- Attachment 2 - DCP 115 Consultation Responses with Working Group Comments

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

Action Ref.	Action	Owner	Update
10/03	Progress the change in accordance with the Work Plan.	ElectraLink	
11/01	Update the DCP 114 legal text in line with the amendments agreed during the review of the consultation responses.	ElectraLink	
11/02	Ask the DCUSA legal advisor to check for consequential changes to cross references as part of the DCP 114 legal review.	ElectraLink	
11/03	Feedback to GTC that the Working Group believe that they have commented on an earlier version of the DCP 114 and DCP 115 legal text, and provide them with the latest version of the text and invite to comment on this version. In addition, ask GTC why they believe that the drafting of DCP 114 is not compliant with the Electricity Act.	ElectraLink	
11/04	Update the DCP 115 legal text in line with the amendments agreed during the review of the consultation responses.	ElectraLink	

ACTIONS CLOSED DURING MEETING

Action Ref.	Action	Owner	Update
-------------	--------	-------	--------

10/01	Amend the consultation document with the changes suggested.	ElectraLink	Completed
10/02	Review the consultation document and the changes suggested.	Peter Waymont ElectraLink	Completed