

DCUSA CHANGE REPORT	
<b>CHANGE PROPOSAL</b>	DCP 068 – Clarification of Clause 12.10
<b>DATE OF ISSUE</b>	23 August 2010
<b>ISSUED TO</b>	DCUSA Contract Managers
<b>PARTIES ENTITLED TO VOTE</b>	All Parties
<b>RETURN DEADLINE (Voting End Date)</b>	07 September 2010 – <a href="mailto:DCUSA@electralink.co.uk">DCUSA@electralink.co.uk</a>

## 1 PURPOSE

- 1.1 This document is issued in accordance with Clause 11.20 of the DCUSA. The Change Report details DCP 068 – Clarification of Clause 12.10. The voting process for the proposed variation and the timetable of the progression of the Change Proposal (CP) through the DCUSA Change Control Process is set out in this document.
- 1.2 Parties are invited to consider the proposed amendment attached as Appendix A and submit votes using the form attached as Appendix B to [dcusa@electralink.co.uk](mailto:dcusa@electralink.co.uk) by 07 September 2010.

## 2 DCP 068 – CLARIFICATION OF CLAUSE 12.10

- 2.1 DCP 068 has been raised by ESP Electricity Limited on behalf of the Panel to address an issue captured on the Housekeeping Log.
- 2.2 The CP identifies that there is a lack of clarity in Clause 12.10. Clause 12.9 sets out the mechanism for calculating the weighted votes for IDNO/OTSO Parties or where less than 5 Parties vote in any other category. Clause 12.10 sets out the mechanism for calculating the weighted votes in all other circumstances. Clause 12.10 states that it is 'subject to' Clause 12.9 but it is not clear from the legal drafting how it is meant to interact with that previous clause. The CP seeks to make it apparent in plain English that Clause 12.10 will apply in all circumstances other than those set out in Clause 12.9
- 2.3 This CP is deemed to be a Part 1 matter in accordance with Clause 9.5.1 of the DCUSA.

## 3 PROPOSED AMENDMENT AND LEGAL DRAFTING

- 3.1 The proposed legal drafting for DCP 068 has been reviewed by Wragge and Co and is attached as Appendix A.

## 4 ASSESSMENT AGAINST THE DCUSA OBJECTIVES

- 4.1 The proposer considers that DCP 068 better facilitates DCUSA objective 3.1.4<sup>1</sup> as the CP will ensure that the drafting of the DCUSA is clear and precise allowing more effective understanding and administration of the Agreement.

## 5 PANEL RECOMMENDATION

- 5.1 The Panel approved the DCP 068 at its meeting on the 18 August 2010.
- 5.2 In accordance with Clause 12.4 of the DCUSA the Panel has determined that DCP 068 should be issued to all Parties for voting for a period of 10 Working Days.
- 5.3 The timetable for the progression of the Change Proposal is set out below:

ACTIVITY	DATE
Change Report Agreed	18 August 2010

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<sup>1</sup> The promotion of efficiency in the implementation and administration of this Agreement and the arrangements under it

Party Voting	23 August – 07 September 2010
Change Declaration	10 September 2010
Authority Determination	15 October 2010
Implementation	05 November 2010

**Appendices:**

- A. DCP 068 – Legal Drafting
- B. DCP 068 – Voting Form