

**COLLECTIVE LICENCE MODIFICATION PROPOSAL ref. 91/09 (putting in place a licence obligation on Distribution Services Providers to deliver revised charging and governance arrangements for the extra high voltage levels of the electricity distribution networks for implementation with effect from 1 April 2011 and a licence obligation on all licensees to ensure that both the common distribution charging methodology for charging at the lower voltage levels and the revised extra high voltage distribution charging methodology for charging at the extra high voltage levels are incorporated within the Distribution Connection and Use of System Agreement from the time of their implementation)**

**NOTICE CONCERNING THE PROPOSED MODIFICATION OF THE STANDARD  
LICENCE CONDITIONS OF ELECTRICITY DISTRIBUTION LICENCES UNDER  
SECTION 11A(3) OF THE ELECTRICITY ACT 1989**

The Gas and Electricity Markets Authority ("the Authority") hereby gives notice pursuant to section 11A(3) of the Electricity Act 1989 ("the Act") as follows:

- 1.** The Authority proposes to modify all electricity distribution licences granted or treated as granted under section 6(1)(c) of the Act by amending Standard Licence Condition (SLC) 1 and SLC13 and by introducing a new SLC50A, SLC13B and SLC22A.
- 2.** The primary reasons why the Authority proposes to make this licence modification are:
  - a. To implement its decision, by way of a licence obligation on licensees, deemed as Distribution Services Providers (DSPs)<sup>1</sup>, to bring forward by 1 September 2010, for implementation on 1 April 2011, an Extra High Voltage (EHV) Distribution Charging Methodology (EDCM) and governance arrangements for calculating use of system charges levied on persons connected to the EHV levels of the electricity distribution networks, that conforms either to the principles and assumptions concerning the methodology known as the:
    - i. long run incremental cost methodology; or
    - ii. forward cost pricing methodology,as detailed in the Authority's decision published on 31 July 2009 titled 'Delivering the electricity distribution structure of charges project: decision on extra high voltage charging and governance arrangements' (the "31 July decision"); and
  - b. To implement its decision, by way of a licence obligation on licensees, to ensure that the Common Distribution Charging Methodology (CDCM), scheduled for implementation on 1 April 2010 under SLC13A, and the EDCM scheduled for implementation on 1 April 2011 under proposed condition SLC13B, are incorporated within the Distribution Connection and Use of System Agreement (DCUSA) from the time of their implementation.

The proposed licence modification is attached at Schedule 1 to the Notice and amends SLC1 and SLC13 and introduces a new SLC50A, SLC13B and SLC22A.

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<sup>1</sup> Distribution Services Providers is a defined term in Standard Condition 1. It includes all electricity distribution licensees other than those who operate independent networks.

3. The proposed modification to SLC1 is to reference the provisions of standard conditions 13B, 22A and 50A within the definition of 'Charging Methodology'. The proposed modification to SLC13 clarifies the relationship between this condition and other conditions, and in particular references the EDCM within conditions 13.14 and 13.15.
4. New condition SLC50A deals with, among other matters, the 'Development and implementation' of an EDCM and places an obligation on licensees who are DSPs to ensure that an EDCM, which conforms to the 31 July decision, is developed in conjunction with other associated licensees and brought forward by 1 September 2010 for approval by the Authority. SLC50A.4 explains that an associated licensee is a DSP that has chosen to develop and bring forward an EDCM that is of the same description as the licensee's EDCM i.e. also conforms with the requirements of the 31 July decision. Condition 13B will apply on and after 1 April 2011 and concerns the enduring obligations and requirements of the EDCM.
5. Condition SLC22A places an obligation on licensees to ensure that the CDCM and the EDCM are incorporated within the DCUSA from the time of their implementation on the distribution networks. The condition also specifies that any charging modification proposal to the CDCM or the EDCM following incorporation within the DCUSA must be assessed by reference to the applicable charging methodology objectives specified within the condition and not the applicable DCUSA objectives specified in SLC22. The applicable charging methodology objectives specified within SLC22A are consistent with the relevant charging methodology objectives specified in conditions 13A, 13B, 50 and 50A. SLC22A also requires that the arrangements for handling modification arrangements to the CDCM and EDCM must be compatible with the requirements set out in Part C of conditions 13A and 13B. These requirements specify among other things that the arrangements must provide for a process by which any Authorised Electricity Operator or person whose interests are materially affected by the CDCM or the EDCM, may propose modifications to the methodology. The condition also specifies that in assessing any charging modification proposal the Authority has the right to veto any proposal that appears to have as its purpose or effect the full or substantial substitution of one methodology for another.
6. The effect of the proposed modification is to obligate licensees who are DSPs to bring forward by 1 September 2010, an EDCM which conforms with the 31 July decision. In the event that the Authority approves the EDCM under condition 50A.20, the effect of this proposed licence modification is also to obligate licensees who are DSPs, to ensure that the EDCM in force at 1 April 2011 continues to be a Charging Methodology that achieves the Relevant Objectives set out in SLC13B Part B. More detailed reasoning for the proposed licence modification has been published by the Authority, namely:
  - a. a decision document entitled "Delivering the electricity distribution structure of charges project: decision on extra high voltage charging and governance" (90/09) on 31 July 2009
  - b. a decision document entitled "Next steps in delivering the electricity distribution structure of charges project" (24/09) on 20 March 2009
  - c. a consultation document entitled "Next steps in delivering the electricity distribution structure of charges project" (160/08) on 11 December 2008
  - d. a decision document entitled "Delivering the electricity distribution structure of charges project" (135/08) on 1 October 2008
  - e. a decision document and consultation entitled "Delivering the electricity distribution structure of charges project: decision on a common methodology for use of system charges from April 2010, consultation on the methodology

to be applied across DNOs and consultation on governance arrangements (104/08) on 22 July 2008

- f. a consultation document entitled "Delivering the electricity distribution structure of charges project" (36/08) on 2 April 2008.

- 7. Licence holders for the purposes of this Notice are all the holders of an Electricity Distribution Licence.
- 9. The Authority has widely consulted on the licence modifications which now require to be implemented to ensure that an EDCM and governance arrangements which conform to the requirements set out in the 31 July 2009 decision are brought forward for approval by the Authority by 1 September 2010. Licence holders have been consulted by way of a Licence Drafting Working Group meeting on the 9 July 2009, and concerning subsequent changes to the drafting of the proposed conditions by e-mail and phone in the period leading up to publication.
- 11. A pro forma that relevant licence holders may wish to use in order to register a statutory objection is appended to this notice.
- 12. A copy of the proposed modification and other documents referred to in this notice are available (free of charge) from the Ofgem library (telephone 020 7901 7003) or on the Ofgem website ([www.ofgem.gov.uk](http://www.ofgem.gov.uk)).
- 13. Any representations or objections to the proposed licence modifications may be made on or before 4 September 2009 to: Lewis Hodgart, Office of Gas and Electricity Markets, 3rd Floor, Cornerstone, 107 West Regent Street, Glasgow, G2 2DQ or by mail to [lewis.hodgart@ofgem.gov.uk](mailto:lewis.hodgart@ofgem.gov.uk).
- 14. All responses will normally be published on Ofgem's website and held in the Research and Information Centre. However, if respondents do not wish their response (or any part of it) to be made public then they should clearly mark their response (or a relevant part of it) as not for publication. Ofgem prefers to receive responses in an electronic form so they can be placed easily on the Ofgem website.
- 15. If you wish to discuss any aspect of this Notice, Lewis Hodgart would be pleased to help.

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**Rachel Fletcher, Director of Distribution**  
**Duly authorised on behalf of the**  
**Gas and Electricity Markets Authority 31 July 2009**

**Proposed Modification of Standard Licence Conditions 1 and 13 and introduction of new Standard Licence Conditions 50A, 13B and 22A**

In response to the statutory notice dated 31 July 2009 in respect of the above proposed modification, this notice constitutes a statutory objection to that proposal on behalf of<sup>2</sup> ..... I confirm that I am duly authorised to give this notice on behalf of each of the above named companies.

Signed<sup>3</sup>:

Date:

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<sup>2</sup> Please state full name of each relevant licence holder making the objection

<sup>3</sup> Please include address for acknowledgement, preferably including email address

## **Schedule 1:**

### **Condition 1. Definitions for the standard licence conditions**

*Amendment of the definition of Charging Methodology: replace the existing definition with the following amended definition.*

**Charging Methodology** means a complete and documented explanation, presented in a coherent and consistent manner, of the methods, principles, and assumptions that apply:

- (a) in relation to Use of System, for determining the licensee's Use of System Charges; and
- (b) in relation to connections, for determining the licensee's Connection Charges,

as approved by the Authority by virtue of the provisions of any of standard conditions 13, 13A, 13B, 22A, 50, and 50A.

### **Condition 13. Charging Methodologies for Use of System and connection**

*Clarification of the relationship between SLC 13 and other conditions: replace existing paragraphs 13.14 and 13.15 with the following amended paragraphs.*

#### **Arrangements applying because of other conditions**

13.14 If the licensee is a Distribution Services Provider:

- (a) standard condition 50 (Development and implementation of a Common Distribution Charging Methodology) applies in relation to certain obligations of the licensee under this condition 13 with effect from 1 July 2009; and
- (b) standard condition 50A (Development and implementation of an EHV Distribution Charging Methodology) applies in relation to certain obligations of the licensee under this condition 13 with effect from 1 October 2009.

13.15 The Authority may, after consulting all Electricity Distributors, make such consequential modifications of this condition 13 and, so far as is relevant, of standard condition 14 (Charges for Use of System and connection) at such time, in such manner, and to such extent as may be necessary to ensure that, as from 1 April 2010 or 1 April 2011, as the case may be, those provisions properly reflect the effects of the introduction into this licence of standard condition 13A (Common Distribution Charging Methodology) and standard condition 13B (EHV Distribution Charging Methodology).

## **Condition 50A. Development and implementation of an EHV Distribution Charging Methodology**

### **Introduction**

- 50A.1 This condition applies on and after 1 October 2009 for the following purposes.
- 50A.2 The first purpose is to ensure that an EHV Distribution Charging Methodology ('the EDCM') that conforms to one of the descriptions set out at paragraph 50A.12 is developed and brought into force by the licensee in conjunction with every Associated Licensee (see paragraph 50A.4) on 1 April 2011 ('the Implementation Date') in accordance with the provisions of this condition.
- 50A.3 The second purpose is to provide for the introduction into this licence with effect from the Implementation Date of a transparent compliance and change control framework for the EDCM.
- 50A.4 For the purposes of this condition, an Associated Licensee, in relation to the licensee, is a Distribution Services Provider that has chosen to develop and bring into force an EDCM that is of the same description, within the meaning of paragraph 50A.12, as the licensee's EDCM.

### **Part A: Relief from requirements of standard condition 13**

- 50A.5 While this condition is in force in this licence, and except where the Authority directs otherwise, such provisions of standard condition 13 (Charging Methodologies for Use of System and connection) as relate to the licensee's duty to review its Use of System Charging Methodology at least once a year, with a view to modifying it for the purpose of better achieving the Relevant Objectives of that condition, do not have effect in relation to such parts of that Use of System Charging Methodology as are to be superseded by the EDCM on 1 April 2011.

### **Part B: Licensee's EHV Distribution Charging Methodology**

- 50A.6 The licensee's EDCM is a Charging Methodology that:
- (a) applies for the purpose of ensuring that the Use of System Charges levied by the licensee in respect of Designated EHV Properties (see paragraph 50A.11) are determined by the licensee and every Associated Licensee on a common basis, so far as is reasonably practicable; and
  - (b) is approved by the Authority, having regard to its principal objective and duties under the Act, on the basis that it achieves the Relevant Objectives set out below.
- 50A.7 The first Relevant Objective is that compliance with the EDCM facilitates the discharge by the licensee of the obligations imposed on it under the Act and by this licence.

- 50A.8 The second Relevant Objective is that compliance with the EDCM facilitates competition in the generation and supply of electricity and will not restrict, distort, or prevent competition in the transmission or distribution of electricity or in participation in the operation of an Interconnector.
- 50A.9 The third Relevant Objective is that compliance with the EDCM results in charges which, so far as is reasonably practicable after taking account of implementation costs, reflect the costs incurred, or reasonably expected to be incurred, by the licensee in its Distribution Business.
- 50A.10 The fourth Relevant Objective is that, so far as is consistent with the first three Relevant Objectives, the EDCM, so far as is reasonably practicable, properly takes account of developments in the licensee's Distribution Business.
- 50A.11 For the purposes of this condition, Designated EHV Properties are any of the following:
- (a) Distribution Systems connected to assets on the licensee's Distribution System at a voltage level of 22 kilovolts or more;
  - (b) premises connected to assets on the licensee's Distribution System at a voltage level of 22 kilovolts or more; and
  - (c) premises which do not fall within sub-paragraph (b) but which at 1 April 2010 were excluded from the Common Distribution Charging Methodology by virtue of paragraph 10 of standard condition 50 (Development and implementation of Common Distribution Charging Methodology).

### **Part C: Developing an EHV Distribution Charging Methodology**

- 50A.12 The licensee must choose and develop an EDCM that conforms to such principles and assumptions as have been specified by the Authority for the purposes of this condition under one of the following two descriptions:
- (a) the methodology described as the long run incremental cost methodology, as detailed in a decision of the Authority dated 31 July 2009; or
  - (b) the methodology described as the forward cost pricing methodology, as detailed in a decision of the Authority dated 31 July 2009.
- 50A.13 If the Authority considers it necessary for the purposes of this condition to materially vary any of the principles and assumptions referred to in paragraph 50A.12, it may do so at any time before the Implementation Date in a direction given to the relevant Associated Licensees following consultation with them.
- 50A.14 The licensee must develop its chosen EDCM in compliance with the following requirements.

- 50A.15 The first requirement is that the EDCM must be developed by the licensee in conjunction with every Associated Licensee.
- 50A.16 The second requirement is that the EDCM must be able to be given effect by the licensee by not later than the Implementation Date.
- 50A.17 The third requirement is that the EDCM must be submitted by not later than 1 September 2010 for approval by the Authority.
- 50A.18 The fourth requirement is that a full set of illustrative Use of System Charges for the Regulatory Year 2010/11 which would have resulted from the licensee's compliance with the EDCM if it had been in force under this licence at 1 April 2010 must be submitted to the Authority by not later than 1 September 2010.
- 50A.19 The fifth requirement is that during the development of the EDCM and before submitting it to the Authority in accordance with the third requirement, the licensee must have taken all reasonable steps (including, where appropriate, approaching the Authority to discuss how the licensee proposes to address any unforeseen charging implications of the EDCM) to ensure that the EDCM in the form in which it is being developed will be capable of being approved by the Authority in accordance with the requirements of Part B of this condition.

#### **Part D: Approving an EHV Distribution Charging Methodology**

- 50A.20 Where the Authority, having regard to its principal objective and duties under the Act, is satisfied with the EDCM developed in accordance with the provisions of Parts B and C of this condition, it may approve the EDCM in a direction given for the purposes of this condition generally that:
- (a) sets out the Authority's reasons for approving it; and
  - (b) specifies the date (which must not be later than 31 December 2010 unless otherwise directed by the Authority) on which it proposes that the approval should have effect.
- 50A.21 Subject to paragraph 50A.22, approval by the Authority under paragraph 50A.20 may be granted subject to such conditions as the Authority considers appropriate, having regard, in particular, to:
- (a) the need for any further action to be undertaken by the licensee to ensure that the EDCM would better achieve the Relevant Objectives; and
  - (b) the time by which such action must be completed.
- 50A.22 No condition imposed under paragraph 50A.21 is effective unless, before granting the relevant approval, the Authority has informed the licensee of its intention to impose the condition in a Notice which:



- (a) sets out the nature and contents of the condition; and
- (b) specifies a period of at least 28 days within which representations or objections with respect to the condition may be made,

and has considered any representations or objections that are duly made by the licensee and not withdrawn.

50A.23 Except that the Authority may not bring forward the dates specified in Parts D, E, F, G and Appendix 1 of this condition, the Authority may direct that such deadlines as are specified or referred to in those Parts or that Appendix may be amended as the Authority considers necessary for the purpose of meeting its wider public law duties or having regard to its principal objective and duties under the Act.

### **Part E: Implementing an EHV Distribution Charging Methodology**

50A.24 Where the Authority has approved the EDCM under Part D of this condition, the licensee must, with effect from the Implementation Date:

- (a) revoke such parts of its Use of System Charging Methodology used for the calculation of Use of System Charges levied in respect of Designated EHV Properties as are contained within that methodology in the form in which it is in force under standard condition 13 at 31 March 2011; and
- (b) implement the EDCM in the form in which it has been approved by the Authority.

### **Part F: Arrangements for handling modification proposals**

50A.25 The licensee, in conjunction with all other Distribution Services Providers, and in consultation with other Authorised Electricity Operators, must develop arrangements for handling modification proposals in relation to the EDCM ('modification arrangements') and submit them for approval to the Authority by not later than 1 September 2010.

50A.26 The modification arrangements must include provision for the following core features.

50A.27 The first core feature is that the arrangements must provide for the licensee to meet periodically with other Distribution Services Providers, other Authorised Electricity Operators, and any other persons whose interests are materially affected by the EDCM for the purpose of discussing the further development of the EDCM.

50A.28 The second core feature is that the arrangements must provide for a timely and efficient process by which the licensee can:

- (a) formally receive modification proposals from any Authorised Electricity Operator or any other person whose interests are materially affected by the EDCM;
- (b) consult on the merits of those proposals with other Distribution Services Providers, other Authorised Electricity Operators, and any other persons whose interests are materially affected by the EDCM; and
- (c) evaluate those proposals in the light of that consultation.

50A.29 The third core feature is that the arrangements must provide for the licensee to have a report on any modification proposal prepared in a timely and efficient manner for submission to the Authority that:

- (a) sets out the terms proposed for the modification;
- (b) fairly summarises the representations received during the consultation process under paragraph 50A.28;
- (c) sets out the conclusions reached by the licensee and other Distribution Services Providers about the modification proposal in question, including whether, in their opinion, the modification would better achieve the Relevant Objectives; and
- (d) sets out a timetable for implementing the modification, if it were to be made, and the date from which the modification (if made) would take effect.

50A.30 The fourth core feature is that the arrangements must provide for the review and future modification (where appropriate) of the modification arrangements.

## **Part G: Approval of arrangements for handling modifications**

50A.31 Where the Authority, having regard to its principal objective and duties under the Act, is satisfied that the modification arrangements submitted under paragraph 50A.25 comply with the features set out in paragraphs 50A.27 to 50A.30, it may approve those arrangements as the modification arrangements approved by the Authority for the purposes of standard condition 13B (EHV Distribution Charging Methodology) in a direction given for the purposes of this condition 50A generally that:

- (a) describes (or provides for access to a description of) the nature of the modification arrangements;
- (b) sets out the Authority's reasons for approving the arrangements; and
- (c) specifies the date on which it proposes that the approval should have effect.

50A.32 Subject to paragraph 50A.33, approval by the Authority under paragraph 50A.31 may be granted subject to such conditions as the Authority considers appropriate, having regard, in particular, to:

- (a) the need for any further action to be undertaken by the licensee to ensure that the modification arrangements would better meet the features set out in paragraphs 50A.27 to 50A.30 of this condition; and
- (b) the time by which such action must be completed.

50A.33 No condition imposed under paragraph 50A.32 is effective unless, before granting the relevant approval, the Authority has informed the licensee of its intention to impose the condition in a Notice which:

- (a) sets out the nature and contents of the condition; and
- (b) specifies a period of at least 28 days within which representations or objections with respect to the condition may be made,

and has considered any representations or objections that are duly made by the licensee and not withdrawn.

#### **Part H: Compliance and change control framework**

50A.34 Where the Authority has approved the EDCM under Part D of this condition, this Part H applies on the Implementation Date for the purpose of modifying the standard conditions of this licence with effect from that date in accordance with paragraph 50A.35 below.

50A.35 The modification referred to in paragraph 50A.34 is that standard condition 13B in the form set out at Appendix 1 (which is part of this condition 50A) comes into force in this licence on the Implementation Date.

#### **Part I: Interpretation and termination**

50A.36 For the purposes of this condition, the EDCM achieves the Relevant Objectives if it achieves them in the round, taking one objective with another.

50A.37 Unless and to the extent otherwise directed by the Authority, this condition is of no further effect in this licence after the Implementation Date.

#### **Part J: Derogations**

50A.38 The Authority may (after consulting the licensee and, where appropriate, any other Authorised Electricity Operator likely to be materially affected) give a direction ('a derogation') to the licensee that relieves it of its obligations under Part C of this condition in respect of such elements of the EDCM, to such extent, for such period of time, and subject to such conditions as may be specified in the direction.

50A.39 Appendix 1 follows immediately below.

## **APPENDIX 1**

### **Condition 13B. EHV Distribution Charging Methodology**

#### **Part A: Licensee's obligations**

- 13B.1 This condition applies to the licensee on and after 1 April 2011 if the licensee is a Distribution Services Provider.
- 13B.2 The licensee must take all steps within its power to ensure that the EHV Distribution Charging Methodology ('the EDCM') continues to be a Charging Methodology for the determination of the licensee's Use of System Charges that is approved by the Authority on the basis that it achieves the Relevant Objectives set out in Part B below.
- 13B.3 In this condition, references to the EDCM are references to the methodology that was developed and brought into force by the licensee on 1 April 2011 in conjunction with every Associated Licensee within the meaning of paragraph 4 of standard condition 50A (Development and implementation of an EHV Distribution Charging Methodology).
- 13B.4 The licensee must at all times implement and comply with the EDCM.
- 13B.5 The licensee must, for the purpose of ensuring that the EDCM continues to achieve the Relevant Objectives:
- (a) review the methodology at least once every year; and
  - (b) subject to Part C of this condition, make such modifications (if any) of the methodology as are necessary for the purpose of better achieving the Relevant Objectives.

#### **Part B: The Relevant Objectives of the EDCM**

- 13B.6 The Relevant Objectives that the EDCM must achieve are as follows.
- 13B.7 The first Relevant Objective is that compliance with the EDCM facilitates the discharge by the licensee of the obligations imposed on it under the Act and by this licence.
- 13B.8 The second Relevant Objective is that compliance with the EDCM facilitates competition in the generation and supply of electricity and will not restrict, distort, or prevent competition in the transmission or distribution of electricity or in participation in the operation of an Interconnector.
- 13B.9 The third Relevant Objective is that compliance with the EDCM results in charges which, so far as is reasonably practicable after taking account of implementation costs, reflect the costs incurred, or reasonably expected to be incurred, by the licensee in its Distribution Business.

- 13B.10 The fourth Relevant Objective is that, so far as is consistent with the first three Relevant Objectives, the EDCM, so far as is reasonably practicable, should properly take account of developments in the licensee's Distribution Business.
- 13B.11 For the purposes of this condition, the EDCM achieves the Relevant Objectives if it achieves them in the round, taking one objective with another.

**Part C: Procedure for modifying the EDCM**

- 13B.12 Proposals for modifying the EDCM ('modification proposals') may be raised by:
- (a) any Authorised Electricity Operator; or
  - (b) any other person whose interests are materially affected by the EDCM.
- 13B.13 Modification proposals must be handled by the licensee in conjunction with all other Distribution Services Providers and in accordance with the relevant modification arrangements.
- 13B.14 The relevant modification arrangements are the arrangements approved by the Authority for the purposes of this condition 13B and in force under this licence at 1 April 2011 by virtue of the provisions of standard condition 50A (Development and implementation of an EHV Distribution Charging Methodology), as modified from time to time in such manner as is provided for by those arrangements.
- 13B.15 Unless otherwise directed by the Authority under paragraph 13B.16, before making a modification to the EDCM the licensee must have a report prepared for submission to the Authority that:
- (a) sets out the terms proposed for the modification;
  - (b) fairly summarises the representations received during the consultation process on the modification proposal;
  - (c) sets out the conclusions reached by the licensee about the modification proposal in question, including whether, in the licensee's opinion, the modification would better achieve the Relevant Objectives; and
  - (d) sets out a timetable for implementing the modification and the date with effect from which the modification (if made) is to take effect (which must not be a date earlier than the date on which the whole of the period covered by paragraph 13B.18 will end).
- 13B.16 If the Authority has directed that paragraph 13B.15 should not apply, the licensee must comply with such other requirements (if any) as the Authority may specify in its direction.
- 13B.17 Subject to paragraph 13B.18, where the licensee has complied with the requirements of paragraph 13B.15 the licensee must, before making the modification:

- (a) revise the relevant statement of its EDCM (or the most recent version of that statement) published in accordance with paragraph 13B.19 so that it sets out the changed methodology and specifies the date from which that is to have effect; and
  - (b) give the Authority a copy of the revised statement.
- 13B.18 The licensee must make the modification of the EDCM unless, within 28 days of receiving the licensee's report under paragraph 13B.15, the Authority, having regard to its principal objective and duties under the Act, has either:
  - (a) directed the licensee not to make the modification; or
  - (b) notified the licensee that it intends to consult, and then within three months of giving that notification directed the licensee not to make the modification.

#### **Part D: Public availability of the EDCM**

- 13B.19 The licensee must ensure that a copy of its EDCM that is in force under this condition, as from time to time modified, is publicly available on the licensee's Website and is otherwise available to any person who requests it upon payment of an amount that does not exceed the reasonable costs of making and supplying that copy.

#### **Part E: Derogations**

- 13B.20 The Authority may (after consulting the licensee and, where appropriate, any other Authorised Electricity Operator likely to be materially affected) give a direction ('a derogation') to the licensee that relieves it of its obligations under Part A of this condition in respect of such elements of the EDCM, to such extent, for such period of time, and subject to such conditions as may be specified in the direction.

## **Condition 22A. Governance and change control arrangements for Relevant Charging Methodologies**

### **Part A: Application and purpose**

22A.1 This condition:

- (a) has effect on and after 1 October 2009;
- (b) supplements standard condition 22 (Distribution Connection and Use of System Agreement) ('the DCUSA'); and
- (c) applies for the following purposes.

22A.2 The first purpose is to ensure that, with effect from the relevant incorporation date, and subject to paragraph 22A.3 in respect of modification arrangements, each of the following Charging Methodologies of the Distribution Services Providers is incorporated into the DCUSA as if it were one of the matters that is required to be included in the DCUSA by virtue of the provisions of standard condition 22:

- (a) the Common Distribution Charging Methodology ('CDCM') in force under standard condition 13A (Common Distribution Charging Methodology), for which the incorporation date is 1 April 2010; and
- (b) the EHV Distribution Charging Methodology ('EDCM') in force under standard condition 13B (EHV Distribution Charging Methodology), for which the incorporation date is 1 April 2011.

22A.3 The second purpose is to provide:

- (a) for all modification proposals relating to the Charging Methodologies, after their incorporation into the DCUSA, to be subject to a restriction in their purpose and effect in the period of time up to 1 April 2015; and
- (b) for modifications of the Charging Methodologies following incorporation into the DCUSA to be made in each case by reference to the Applicable Charging Methodology Objectives specified in Part B of this condition 22A, rather than the Applicable DCUSA Objectives specified in standard condition 22 that would otherwise apply.

22A.4 A Charging Methodology (whether the CDCM or the EDCM) that is to be or has been incorporated into the DCUSA under this condition is a Relevant Charging Methodology for all the purposes of this condition.

### **Part B: The Applicable Charging Methodology Objectives**

22A.5 The Applicable Charging Methodology Objectives, in relation to any Relevant Charging Methodology, are as follows.

- 22A.6 The first Applicable Charging Methodology Objective is that compliance with the Relevant Charging Methodology facilitates the discharge by a Distribution Services Provider of the obligations imposed on it under the Act and by this licence.
- 22A.7 The second Applicable Charging Methodology Objective is that compliance with the Relevant Charging Methodology facilitates competition in the generation and supply of electricity and will not restrict, distort, or prevent competition in the transmission or distribution of electricity or in participation in the operation of an Interconnector.
- 22A.8 The third Applicable Charging Methodology Objective is that compliance with the Relevant Charging Methodology results in charges that, so far as is reasonably practicable after taking account of implementation costs, reflect the costs incurred, or reasonably expected to be incurred, by a Distribution Services Provider in its Distribution Business.
- 22A.9 The fourth Applicable Charging Methodology Objective is that, so far as is consistent with the first three Applicable Charging Methodology Objectives, the Relevant Charging Methodology, so far as is reasonably practicable, properly takes account of developments in a Distribution Services Provider's Distribution Business.
- 22A.10 A Relevant Charging Methodology achieves the Applicable Charging Methodology Objectives if it achieves them in the round, taking one objective with another, and having due regard to any particular implications for the determination of Use of System Charges under any other Relevant Charging Methodology.

### **Part C: Licensee's obligations under this condition**

- 22A.11 The licensee must take all appropriate steps within its power to ensure that such modifications of the DCUSA as are required for the purpose of incorporating a Relevant Charging Methodology into the DCUSA are made in sufficient time to ensure that the methodology is incorporated into the DCUSA with full and complete effect from its incorporation date.

### **Part D: Governance and change control arrangements**

- 22A.12 This part applies for the purpose of enabling a Relevant Charging Methodology to be modified under the DCUSA on and after its incorporation date.
- 22A.13 All of the arrangements for which the DCUSA makes provision under standard condition 22 in relation to the governance, administration, and modification of the DCUSA are to apply equally to the Relevant Charging Methodology with effect from its incorporation date, subject to paragraph 22A.14.
- 22A.14 Those arrangements must ensure:



- (a) that the requirements of Part C of each of standard conditions 13A and 13B in relation to the modification procedures applicable to a Relevant Charging Methodology are satisfied;
- (b) that the Authority is able at any time before 1 April 2015 to veto any modification proposal under the DCUSA that appears to the Authority to have as its purpose or effect the full or substantial substitution of one Relevant Charging Methodology for another Relevant Charging Methodology; and
- (c) subject to sub-paragraph (b), that every modification proposal raised under the DCUSA in relation to a Relevant Charging Methodology and any modification of the methodology that may arise from such a proposal will be assessed by reference to the Applicable Charging Methodology Objectives specified in this condition 22A, and not the Applicable DCUSA Objectives specified in standard condition 22.

22A.15 Every modification proposal raised under the DCUSA in relation to a Relevant Charging Methodology and any modification of the methodology that may arise from such a proposal must have as its aim the better achievement of the Applicable Charging Methodology Objectives.