

DCUSA CHANGE REPORT	
<b>CHANGE PROPOSAL</b>	DCP 025 – Ofgem Notices
<b>DATE OF ISSUE</b>	08 July 2008
<b>ISSUED TO</b>	DCUSA Contract Managers Ofgem – For Information
<b>PARTIES ENTITLED TO VOTE</b>	All Supplier, DNO and IDNO Parties
<b>RETURN DEADLINE (Voting End Date)</b>	22 July 2008 – <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 025 – ‘*Ofgem Notices*’. The voting process for the proposed variation and the timetable of the progression of the 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 Legal Drafting attached as Appendix B and submit votes using the form attached as Appendix C to [dcusa@electralink.co.uk](mailto:dcusa@electralink.co.uk) by 22 July 2008.

## 2 BACKGROUND

- 2.1 The Panel considered DCP 025 at its meeting on 18 June 2008. The Panel agreed to progress DCP 025 as a standard change impacting Part 1 matters in accordance with Clause 9.4 and Clause 9.5 of the Agreement as it impacts Section 1C – Change Control.
- 2.2 The Panel agreed that the CP should be entered directly into the Report Phase in accordance with Clause 11.6 as it is “concerned solely with the technical legal drafting” of the Agreement and is “unlikely to a subject of significant controversy between parties”.

## 3 DCP 025 – OFGEM NOTICES

Raising Party	EDF Energy Networks
CP Status	Standard
Change Synopsis	To cater for Ofgem's latest position on the issuing of change notices

Parties Impacted	Distributors, Suppliers & IDNOs
Part 1 / Part 2	Part 1
Authority Consent	Required
Proposed Implementation	As soon as practicable following Authority determination

- 3.1 DCP 025 has been raised by EDF Energy Networks following discussions at the DCUSA Panel. The Panel noted that issues around the distribution of Ofgem Notices first arose because there was a discrepancy identified between the Distribution Licence and the DCUSA. At the request of Ofgem, the DCUSA was amended (DCP 007) to better reflect the Licence. As such the DCUSA currently requires Ofgem to send decision notices to Distributor Parties, for Distributor Parties to notify the Panel Secretary, and for the Secretary to then notify all other DCUSA Parties.
- 3.2 Recent instruction from Ofgem has indicated that it will send notices directly to the Panel Secretary for circulation to all DCUSA Parties rather than issue them to Distributors. Panel members agreed that this was a more efficient process but there was a risk that it was not captured within the DCUSA. As agreed by the Panel, DCP 025 seeks to update the DCUSA to capture both notification via Distributors and notification via the Panel Secretary.

#### **4 PROPOSED AMENDMENT AND LEGAL DRAFTING**

- 4.1 The proposed legal drafting of DCP 025 has been reviewed by Wragge & Co. The advice provided by Wragge & Co recommends a number of changes to the drafting set out in the original CP and the proposed drafting is set out in Appendix B.
- 4.2 Wragge & Co has recommended that the DCUSA drafting stays in line with the licence drafting as far as possible. As the licence refers to directions to the Distribution Licensees, the proposed drafting refers to the DNO and IDNO Parties and includes an agreement on behalf of those Parties that the direction will be effective if communicated to the Panel (care of the Secretariat).

#### **5 PANEL RECOMMENDATION**

- 5.1 The Panel approved the DCP 025 Change Report at its meeting on 18 June 2008. The Panel considers that the introduction DCP 025 will benefit DCUSA Parties by clarifying the notices process within the Agreement and ensuring that it is accurate and that the change process is robust. The Panel agreed that the CP be implemented as soon as reasonably practicable following Authority Consent to mitigate the risk of confusion and eliminate uncertainty of process. The Panel considered that DCP 025 better facilitates Objective 4 of the DCUSA – ‘the promotion of efficiency in the implementation and administration of the Agreement’.
- 5.2 In accordance with Clause 12.4 of the DCUSA the Panel has determined that DCP 025 should be issued to all Parties for voting for a period of 10 Working Days. Subject to approval, DCP 025 will be implemented as soon as practicable following Authority Consent.
- 5.3 The timetable for the progression of the Change Proposal is set out below:

<b>Activity</b>	<b>Date</b>
Party Voting	08 July – 22 July
Change Declaration	23 July 2008

Authority Determination	23 July – 27 August 2008
Implementation	As soon as practicable following Authority Consent

**Appendices:**

- A. DCP 025 v1.0
- B. DCP 025 - Legal Drafting
- C. DCP 025 - Voting Form