








DCUSA Consultation	At what stage is this document in the process?
<h1>DCP 329</h1> <h2>Amend Requirements for Emergency De-energisation in Schedule 2B - National Terms of Connection</h2> <p><i>Raised on the 21 September 2018 as a Standard Change</i></p>	01 – Change Proposal
	02 – Consultation
	03 – Change Report
	04 – Change Declaration
<p>Purpose of Change Proposal:</p> <p>The intent of this Change Proposal is to revise/amend the National Terms of Connection, to allow for the De-energisation of a Customer's Installation by the Customer without the need to obtain prior agreement from the Licenced Distributor, where the condition or manner of operation of the Distribution System or the connection equipment poses an immediate threat of injury or material damage to any person or property.</p>	
 	<p>The Workgroup recommends that this CP should: proceed to Consultation.</p> <p>Parties are invited to consider the questions set out in section 9 and submit comments using the form in Attachment 1 to dcusa@electralink.co.uk by 18 March 2019.</p> <p>DCP 329 has been designated as a Part 2 Matter and a standard change.</p> <p>The Working Group will consider the consultation responses and determine the appropriate next steps for the progression of the CP.</p>
	<p>Impacted Parties: Distribution Network Operators (DNOs), Independent Distribution Network Operators (IDNOs), Customers, Generators and owners and operators of third-party equipment connected to the Distribution System</p>
	<p>Impacted Clauses: Paragraph 5.1.2 (Emergency De-energisation) in Sections 3 and 4 of Schedule 2B (National Terms of Connection)</p>

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Timetable		 02074323000
The timetable for the progression of the CP is as follows:		Contact: Code Administrator
Change Proposal timetable		 DCUSA@electralink.co.uk
		 Steven.l.gough@sse.com
		 01189534377
Activity	Date	
Initial Assessment Report Approved by Panel	21 November 2018	
Consultation issued to Parties	February 2019	
Change Report issued to Panel	March 2019	
Change Report issued for Voting	March 2019	
Party Voting Ends	April 2019	
Change Declaration Issued to Parties	April 2019	
Authority Decision	N/A	
Implementation	June 2019	

1 Summary

What?

- 1.1. During a meeting of the Distribution Code Review Panel (DCRP), a Panel member who represents Non-Balancing Mechanism (BM) Generators raised concerns relating to the National Terms of Connection. Specifically, the concerns relate to the highlighted words of the following paragraph contained in Sections 3 and 4 of Schedule 2B:

5.1. Emergency De-energisation

If, in the reasonable opinion of:

5.1.2 the Customer, the condition or manner of operation of the Distribution System or the Connection Equipment poses an immediate threat of injury or material damage to any person or property (including the Customer's Installation), then the Customer shall have the right with the prior agreement of the Company to De-energise the Customer's Installation if it is necessary or expedient to do so to avoid the occurrence of such injury or damage

Why?

- 1.2. The key concern that this Change Proposal (CP) is seeking to address is related to the fact that although the customer has the right to De-energise the Customer Installation, there is still a requirement to seek the prior agreement from the Company. Obtaining this agreement may not be practicable, could possibly take some time, and in the case of emergencies this may be too late, with serious consequences for either persons and/or property including the Customer's Installation.

How?

- 1.3. Consideration to potential solutions to address the concern have been discussed at the DCUSA Standing Issues Group (SIG) where it was raised as an issue prior to being developed into a CP. The view of the Party who raised the concern is that the section of text that states "with the prior agreement of the Company" should be clarified/ amended.

2 Governance

Justification for Part 1 Matter

- 2.1. This Change Proposal should be classed as a Part 2 matter.
- 2.2. This Change Proposal should be classed a Part 2 Matter as it is a minor amendment which does not have a material impact on DCUSA. The intend is to add clarity to an existing process regarding de-

energisation. It also does not meet any of the criteria for it to be classed as a Part 1 Matter or necessitate the Authority to make a determination.

Current Next Steps

2.3. This Consultation Document is issued for a period of three weeks.

3 Why Change?

Background of DCP 329

- 3.1. This CP seeks to address a concern raised at a recent DCRP meeting regarding the wording of the legal text contained within Sections 3 and 4 of Schedule 2B (5.1.2) in the National Terms of Connection (see legal text in section 1.1 above).
- 3.2. The proposers concern is with the text “with the prior agreement of the Company” and that there are a few different ways in which this could be interpreted. One interpretation being that at the time of an emergency you would need to contact the distributor for agreement before de-energising, which would not be appropriate. The other interpretation is that the prior agreement with the distributor is established between the distributor and customer in a contract and therefore in the case of an emergency the prior agreement to de-energise is already satisfied.
- 3.3. The proposer believes that the current wording is ambiguous and therefore the DCP 329 Working Group has been set up to review the current legal text and propose a solution.

Q1: Do you understand the intent of DCP 329?

4 Working Group Assessment

DCP 326 Working Group Assessment

- 4.1. The DCUSA Panel established a Working Group to assess DCP 329. This Working Group consists of DNOs, Suppliers and Ofgem representatives. Meetings are held in open session and the minutes and papers of each meeting are available on the DCUSA website – www.dcusa.co.uk.
- 4.2. The Working Group has reviewed the CP and the concerns raised by the proposer. It was noted that there were other sections of the National Terms of Connection which relate to de-energisation and these are referenced below:

Section 3, 8.1 (page 386) - This Section only applies to connections with ‘C/T metering’ or connections to unlicensed distribution systems that do not have their own settlement meters at the boundary with the network but would most likely be metered with C/T metering if they were metered

Only Authorised Persons will be allowed to operate the Company’s Equipment, the Metering Equipment and/or the Monitoring Equipment (including for the purposes of connecting any Metering to the Metering Equipment), and shall only do so in accordance with Good Industry Practice.

Section 3, 9.1 (page 387)

Each Party shall ensure that its agents, employees and invitees (including, in the case of the Customer, tenants, licensees and other occupiers of the Premises) do not interfere in any way with any of the Plant or Apparatus of the other Party without the consent of such other Party, except where emergency action has to be taken to protect the health and safety of persons or to prevent material damage to property. Neither Party shall knowingly do (or omit to do) anything which would cause the other Party to breach the Regulations.

Section 4, 9.1 (page 432) - This Section 4 only applies to 'unmetered supplies.'

Only Authorised Persons will be allowed to operate the Company's Equipment and/or the Monitoring Equipment, and shall only do so in accordance with Good Industry Practice.

Section 4, 10.1 (page 433)

Each Party shall ensure that its agents, employees and invitees do not interfere in any way with any of the Plant or Apparatus of the other Party without the consent of such other Party, except where emergency action has to be taken to protect the health and safety of persons or to prevent material damage to property. Neither Party shall knowingly do (or omit to do) anything which would cause the other Party to breach the Regulations.

- 4.3. The above sections were considered when looking at potential options to address the concerns raised within the CP. It was noted that whilst the legal text within Section 3, 9.1 and Section 4, 10.1 above does not state "with the prior agreement of the Company" in regards to emergency action, as it does in Section 3, 5.1.2, it does state in Sections 3, 8.1 and Sections 4, 9.1 that only Authorised Persons will be allowed to operate the company's Equipment, the Metering Equipment and/ or the Monitoring Equipment.
- 4.4. The Working Group recognises that it is necessary for a competent person to de-energise a customer's installation but there were concerns that the current wording within the legal text detailed in Section 1.1 above is ambiguous. The concerns raised by the proposer is that the phrase "with the prior agreement of the Company" could be interpreted as needing to contact the DNO for approval to de-energise when an emergency is occurring and thus delaying the action needed to make the scenario safe. The Working Group agreed that this would clearly not be appropriate and that a more appropriate interpretation is that the prior agreement with the distributor is established between the distributor and customer in a contract and therefore in the case of an emergency the prior agreement to de-energise is already satisfied.

Q2: In light of the context and background of the proposal do you believe that the wording in 5.1.2 is clear or ambiguous?

Q3 How do you interpret "with prior agreement of the company" within the current wording?

Q4: What practices do distributors currently have in place regarding Section 3, 5.1.2?

Q5a: How do distributors receive and respond to requests to de-energise?

Q5b: How many instances have there been in the last three calendar years?

Q6: Have you ever had instances of unauthorised emergency de-energisation and if so what actions, if any, were taken against the person(s) involved?

Q7: Do distributors have a defined documented process for managing this process at present?

- 4.5. The Working Group has considered some options to address the concerns raised within the CP. These options are detailed below:

Working Group Proposed Solutions

- 4.6. **Option 1** - Keep the current legal text and define “with the prior agreement of the Company”, to state that this can be a pre-established agreement.
- 4.7. **Option 2** - Remove the current text “with the prior agreement of the Company” and replace with “Customer shall have the right subject to clause 8.1 of Section 3”. This would therefore indicate that only Authorised Persons can de-energise. It should be noted that “Authorised Persons is defined within Section 3 of the National Terms of Connection as “persons authorised by the Company to undertake certain work on the Connection Equipment, the Metering Equipment and/or the Monitoring Equipment”.

Q8: How do distributors assess the competency of the person authorised to de-energise?

- 4.8. **Option 3** - Replace “with the prior agreement of the Company” with “using authorised and safe means”.
- 4.9. **Option 4** – Leave as is.

Q9: Please provide your views on the proposed options above. Which of the above options is your preferred choice?

Q10: Do you have any other potential solutions that you would like the Working Group to consider?

5 Legal Text

- 5.1 The current legal text is detailed in Section 1.1 of this consultation. The Working Group will consider any amendments to this text once responses to this consultation have been received.

Q11: Do you have any comments on the current legal text?

6 Relevant Objectives

Assessment Against the DCUSA Objectives

- 6.1 For a DCUSA Change Proposal to be approved it must be demonstrated that it better meets the DCUSA Objectives.
- 6.2 The Proposer believes that this change will better facilitate the relevant DCUSA General Objective One as it is more efficient to allow a customer, who has the experience and knowledge, to de-energise their own Customer Installation in emergency situations without the prior agreement of the DNO. This means that less DNO resources are used in cases where a customer can do it themselves, potentially saving costs as well as avoiding potential damage to property and/or injury to persons. Such allowances already exist in DCUSA, hence it makes sense to create alignment throughout.

	DCUSA General Objectives	Identified impact
<input checked="" type="checkbox"/>	1. The development, maintenance and operation by the DNO Parties and IDNO Parties of efficient, co-ordinated, and economical Distribution Networks	Positive
<input checked="" type="checkbox"/>	2. The facilitation of effective competition in the generation and supply of electricity and (so far as is consistent therewith) the promotion of such competition in the sale, distribution and purchase of electricity	N/A
<input checked="" type="checkbox"/>	3. The efficient discharge by the DNO Parties and IDNO Parties of obligations imposed upon them in their Distribution Licences	Positive
<input checked="" type="checkbox"/>	4. The promotion of efficiency in the implementation and administration of the DCUSA	N/A
<input checked="" type="checkbox"/>	5. Compliance with the Regulation on Cross-Border Exchange in Electricity and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators.	N/A

Q12: Do you believe that the DCUSA General objectives are better facilitated by this CP. Please provide your rationale?

7 Impacts & Other Considerations

Does this Change Proposal impact a Significant Code Review (SCR) or other significant industry change projects, if so, how?

- 7.1 The Working Group's view is that there are no cross-code, consumer, environmental or other related work impacts associated with this Change Proposal.

Q13: Are you aware of any wider industry developments that may impact upon or be impacted by this CP?

8 Implementation

8.1 The Working Groups view is that this Change Proposal should be implemented as soon as possible and as such it is proposed that it is to be implemented in the next scheduled release following approval.

Q14: Do you agree with the proposed implementation plan?

9 Consultation Questions

9.1. The Working Group is seeking industry views on the following consultation questions:

Number	Questions
1	Do you understand the intent of DCP 329?
2	In light of the context and background of the proposal do you believe that the wording in 5.1.2 is clear or ambiguous?
3	How do you interpret “with prior agreement of the company” within the current wording?
4	What practices do distributors currently have in place regarding Section 3, 5.1.2?
5a	How do distributors receive and respond to requests to de-energise?
5b	How many instances have there been in the last three calendar years?
6	Have you ever had instances of unauthorised emergency de-energisation and if so what actions, if any, were taken against the person(s) involved?
7	Do distributors have a defined documented process for managing this process at present?
8	How do distributors assess the competency of the person authorised to de-energise?
9	Please provide your views on the proposed options above. Which of the above options is your preferred choice?
10	Do you have any other solutions that you would like the Working Group to consider?

11	Do you have any other comments on the current legal text?
12	Do you believe that the DCUSA General objectives are better facilitated by this CP. Please provide your rationale?
13	Are you aware of any wider industry developments that may impact upon or be impacted by this CP?
14	Do you agree with the proposed implementation plan?
15	Any other comments?

7.2 Responses should be submitted using Attachment 1 to dcusa@electralink.co.uk no later than, **18 March 2019**.

7.3 Responses, or any part thereof, can be provided in confidence. Parties are asked to clearly indicate any parts of a response that are to be treated confidentially.

Attachments

- Attachment 1 – DCP 329 Consultation Response Form
- Attachment 2 – DCP 329 Change Proposal