DCUSA

DCP 390 Working Group Meeting 02

12 July 2021 at 10:00am
Teleconference on Teams

Attendees	Company
Frank Bertie	NAPIT
Jonathan Elliott	Certsure
Paul Abreu [PA]	Energy Networks Association (ENA)
George Barnes	Utilita
Geoff Huckerby [GH]	Power Data Associates
Paul Morris [PM]	UK Power Networks (UKPN)
Richard Hill [RH]	Centrica
Simon Wilson [SW]	EDF Energy
Richard Brady [RB]	WPD
Peter Skirvin [PS]	Electricity North West (ENW)
John Heague [JH]	Scottish Power
Dave Wright [DW]	Npower
Ian Crawley	SSEN
Kevin Liddle	NPg
Martyn Allen	Electrical Safety First
Megan Coventry	SSE Business Energy
Secretariat	

Angelo Fitzhenry [AF] (Chair)	ElectraLink
Amina Uddin [AU]	ElectraLink
Apologies	
Steve Halsey [SH]	UKPN

1. Administration

1.1 The Chair welcomed attendees to the DCP 390 working group meeting.

1.2 The Chair reminded members to act in accordance with the terms set out in the DCUSA "Competition Law Guidance" for the duration of the meeting.

1.3 The Chair explained the "terms of reference" for the meeting.

2. Purpose of the meeting

2.1 The Chair explained the purpose of the meeting was to have an overview of DCP 390 from the Proposer and to review the Change Proposal in more detail.

3. Review of legal advice regarding competition concerns

3.1 The Chair informed the group that communications was sent out from Gus Wood (via Richard Colwill) in response to the question raised at the previous meeting; *"DCP 390 'Provision of Isolations for Safe Working on Customers' Electrical Installation' has been submitted by a DNO Party. This CP seeks to define a process detailing how a customer can obtain timely main supply electrical isolations to allow for safe working on their electrical installations. In particular, the DCP 390 proposal suggests that the User is the responsible Party for de-energisation and re-energisation of Supply based on existing DCUSA legal text within Clauses 25 and 41. Some Working Group members have raised a concern that pursuing this could be anti-competitive and would like to seek legal opinion. Could you please review DCP 390 and determine whether or not this is in breach of any competition law compliance?"*.

3.2 The Chair invited members to feedback any comments to the response from Gus Wood.

3.3 One member commented on the second comment/point of response that it needed to be reflected in the Final Change Report that the assertion is removed in relation to clauses 25 and 41.

3.4 The proposer of DCP 390 did not agree with the third response from Gus Wood. The Chair noted that Gus Wood advised of three possible ways to progress DCP 390 which were:

- *(i) by the distributor on its own account (distributor charges customer);*
- *(ii) by an energy supplier using an approved contractor (supplier charges customer); or*
- *(iii) by an energy supplier using the services of the distributor under clause 25.2 of the DCUSA (distributor charges supplier and supplier charges customer).*

3.5 There was further conversation as to who was liable and responsible for Safe Isolations and how this should be reflected in DCUSA.

3.6 The group understood from Gus Woods's fourth comment that the Supplier party was responsible for primary isolations.

3.7 There were debates as to when the DNO could have contact with the customer and when they were allowed to carry out work. It was understood that the legal text implied that the DNO would need to seek permission from the Supplier before carrying out works for the customer.

3.8 The Chair noted that Gus Wood clarified that the DNO would be removed from being contacted for any works by the customer.

3.9 Overall the group understood and were satisfied with the legal advice from Gus Wood.

3.10 The group requested for further clarification on this point:

- *a. It is not apparent that a significant degree of competition currently exists between electricity suppliers and distributors in relation to the provision of customer-requested isolations (e.g. we are not aware that customers are generally able to obtain competing quotes from their electricity supplier, and the relevant distributor, and then select the most competitive offering). Against the background, it is not obvious that the proposal would reduce existing competition.*

3.11 One member stated that competitive tendering did exist and wondered if this would alter Gus Wood's legal opinion. The Chair agreed to contact Gus Wood regarding this.

3.12 Another member also requested for the Chair to make it clear that such tenders were illegal if non approved entities were involved. The Chair agreed to consult with Gus Wood regarding this.

4. Review and discussion of DCP 390 proposed solution

Review of proposed safe isolation process

4.1 PA presented the new legal text to be added to clause 25 of DCUSA to the group. The new legal text to be added at the end of clause 25 is presented below:

De-energisation and re-energisation at the request of the customer

25.25 Customer requests for De-energisation Works and Re-energisation Works are the responsibility of the User to manage and satisfy.

25.26 The User shall establish, maintain and give effect to clear and transparent procedures by which the customer can obtain a temporary de-energisation and subsequent re-energisation to enable electrical work to take place on their installation.

25.27 Unless otherwise agreed with the customer, as a minimum, the User shall:

(a) Carry out the de-energisation in normal working hours within 10 working days of the date of the request; and give a 4 hour attendance slot.

(b) Carry out the re-energisation in normal working hours within 10 working days of the date of the request; and give a 4 hour attendance slot.

25.28 For the purposes of clauses 25.25, 25.26 and 25.27, the customer also includes their representative.

25.29 The User shall publish its processes and procedures on, and make them readily available from, its Website.

4.2 There was some discussion as to if and when an alternative solution could be added to the Change Report. The Chair advised that it is probably best to draw this option out from the consultation process.

4.3 The Chair also mentioned that pragmatically, if we assume that whichever options are presented, the DNO and Supplier Categories will not agree, then the IDNO category effectively has the 'casting vote' as a result of the voting process.

4.4 The Chair also reminded the group that irrespective of how parties vote, the Authority will have the final decision on this Part 1 matter Change Proposal.

5. Review of Work Plan

5.1 This will be reviewed off-line by the secretariat and presented for discussion at the next meeting.

6. Next meeting date and agenda

6.1 A doodle poll will be issued to ascertain the date of the next meeting. The meeting will include Gus Wood from Gowling WLG to close off any final Competition Law concerns and will focus

on the development of the consultation questions of which members are invited to submit draft questions to the secretariat prior to the next meeting.

DCUSA

New and open actions

Action Ref.	Action	Owner	Update
01/01	Working Group to inform the Secretariat if they would like to join a DCUSA and MOCOPA workshop to discuss the AMO proposal further.	All	Completed, albeit the planned meeting date has had to be rescheduled.
01/02	The Secretariat to seek legal advice on the competition concerns raised by some Working Group members.	ElectraLink	Detailed response provided. However, one outstanding clarification is required and Gus Wood will therefore attend the next meeting to close out this matter.
01/03	Working Group members to review the proposed safe isolations process and provide feedback prior to the next meeting.	All	On going.
01/04	PS, KL and PA to draft some legal text in regard to the proposal and share with the Working Group prior to the next meeting.	PS, KL and PA	Completed.