

Rationalisation & Simplification of DCUSA

– Workshop 02

01 November 2021 at 10:30 - Web-Conference

Attendee	Company
Working Group Members	
Ann Burston [AB]	NPg
Geoff Huckerby [GH]	Power Data Associates
George Barnes [GB]	Utilita
Grace March [GM]	Sembcorp
Gus Wood [GW]	Gowling WLG
Joseph Kavanagh [JK]	BU-UK
Kevin Woollard [KW]	Centrica
Mark Jones [MJ]	SSE
Peter Waymont [PW]	UKPN
Code Administrator	
Angelo Fitzhenry [AF] (Chair)	ElectraLink
Dylan Townsend [DT]	ElectraLink
Mel Kendal [MK] (Technical Secretariat)	ElectraLink

1. Administration

- 1.1 The Secretariat confirmed there were no apologies for this meeting.
- 1.2 There were no additional comments relating to the previous meeting minutes.
- 1.3 The Working Group noted the items on the actions list from the last meeting. Updates on all actions are provided in **Appendix A**.

2. Summary Feedback from Simplified Matrix

- 2.1 The Chair informed the group that excluding the two responses of feedback received to the original matrix, there were no additional response to the simplified matrix that was circulated after the first workshop.
- 2.2 Due to a low number of responses, further discussion around the simplified matrix responses could not be progressed.
- 2.3 The Chair concluded that the matrix methodology to collate feedback was perhaps not as productive or effective as originally envisioned.

3. A Legal Perspective Update and Discussion

- 3.1 GW (Gowling Representative) walked through the legal perspective update/suggestion points with the group for further discussion.
 - 1) ***Part of the aim is to make the DCUSA more accessible. This does not necessarily involve amending or deleting existing text. The DCUSA might be made more accessible by moving and re-grouping some of the provisions.***
- 3.2 An example of this could be all the charging methodologies could be grouped together, the payment obligations could be grouped together etc. GW suggested this could be worthwhile, however AF suggested a reference table comparing both the old reference and the new reference could be created to aid parties to locate where the new locations are.
 - 2) ***Some Schedules contain their own definitions. Some of these Schedules need to work on a standalone (or semi-standalone) basis (e.g., NTC and Charging Methodologies), but in other cases it may be sensible to capture all of the definitions in one place.***
- 3.3 Another suggestion is that all the current definitions within the Schedules could be moved to a single section such as a glossary where all defined terms can be found in one place.
- 3.4 As the DCUSA document has been developed over time, there are a number Schedules that are no longer used or not suitably grouped together – with this, the suggestion is that the Schedules could be grouped more logically and re-ordered to make it easier for the reader to locate the correct information along with the removal of Schedules that are longer used.
- 3.5 Members agreed that minimising the duplication of information in multiple sections would be really useful in making the DCUSA document more user-friendly, and also suggested that ‘what makes a new section’ should be formally agreed to make this easier when adding new information in the future.

3) *Clause 34. 35. 50, 51, 52E, 52F, 52K, 52L, 52O, 52P, 52T and 52U all deal with confidentiality. These should be consolidated into 2 Clauses within (what is currently) Section 3.*

- 3.6 GW suggested one approach to simplification of the DCUSA document could be to remove all duplications of confidentiality and create its own Confidentiality Schedule (this would apply to all relationships).
- 3.7 DT suggested doing the same activity for the Provision of Information – GW agreed that any information that is repeated across two or more Sections should follow the same minimisation method and create a new Clause for this information.
- 3.8 The Working Group had no objections in carrying out this activity.

4) *There is some other duplication between Sections 2A, 2C, 2D and 2E. However, subject to the above point 3, it would be fairly difficult to merge these.*

- 3.9 It was noted that the information within these sections could be largely consolidated, however too much consolidation could lead to other difficulties (such as gas obligations being lost within the text as opposed to having its own section to refer to).
- 3.10 There would need to be a logical balance of consolidation if this approach is agreed.
- 3.11 AF made a suggestion that it may be helpful in the digitised version of the DCUSA document to have an option where Suppliers, for example, can tick that they are Suppliers, and all Supplier-related information will show for viewing and all irrelevant information will be eliminated.
- 3.12 The Working Group agree to the above suggestion in principle but did query what version (full PDF or filtered digitised version) would be legally binding if there is an error, or any missing information found once applying those filters. GW confirmed that an error found would be seen as a mitigating circumstance and would not be taken away from their obligations.
- 3.13 GW also stated that a disclaimer should be added to the filters to state that it is still their obligation to read and understand the full DCUSA document. This may need to be confirmed with Ofgem as to the approach if an error was found in terms of Parties liability.

5) *Rather than consolidating, DCUSA could be made more accessible by separating out the Supplier and CVA Registrant obligations in two separate sections, however, this would create a fair amount of duplication as many of the provisions are common to both types of Users – so alternatively, perhaps all of the Supplier-only provisions could be pulled-out of Section 2A into its own standalone section. This could save CVA Registrants having to read information which only applies to Suppliers.*

- 3.14 GW noted that creating a CVA Registrant Section would in fact make the DCUSA document longer than it currently is, however, it would make the document more user-friendly and easier to understand for CVA Registrants.
- 3.15 Due to the low number of CVA Registrants, this may be something to consider whether to move forwards with.

3.16 The Working Group agreed that id this can be done whilst still ensuring user-friendliness for Suppliers, this may be a good approach to take.

6) *In addition to point 1 above, Clause 3 could be merge with Section 1B and Clauses 2 and 4 could be merged with Section 3.*

3.17 GW stated that this is a ‘moving around’ approach as opposed to minimising the DCUSA document, however it will increase the user-friendless for users and may be more logical.

7) *The Governance and Change Control Sections could be reduced so as to be less prescriptive and so as to leave more discretion for the Panel/Secretariat in terms of how the processes work. However, there is a fair amount of detail concerning these sections I the Distribution Licence, so the scope to do this is somewhat limited unless the licence drafting is changed.*

3.18 The Working Group were informed by GW that the detail within these Sections could look at being reduced, meaning that the Panel and Secretariat more discretion in a broader framework.

3.19 It was noted that the Distribution Licence may limit what can currently be done within these areas and will need to be considered before making any suggested amendments. Ofgem may also need to be bought into these discussions for approval.

8) *There was a previous suggestion that the Credit Cover Schedule could be amended to match the Credit Cover under other Codes. This may be a sensible approach as it would help participants if Credit Cover arrangements were the same across all of the Codes.*

3.20 The Working Group agreed that a common approach to Credit Cover would be a good approach to take and could work with other Codes to align this Schedule.

4. Discussion on the Legal Perspective Update

4.1 The Chair asked the group for their general feedback around the legal perspective update and what can be done to both rationalise and simplify the DCUSA.

4.2 One member stated that one of the areas that may lead to confusion is that some defined terms are explained differently in the DCUSA compared to the CUSC. Once this is understood, the DCUSA operates quite smoothly.

4.3 A member also stated that ‘laymen’s terms’ needs to be considered carefully as the DCUSA document is an industry document and it would be expected to have a certain level of knowledge to understand certain terms/obligations/processes. This would likely need to be considered Clause by Clause when attempting to simplify the language.

4.4 Members noted that they are happy with the current language that is used within the DCUSA document but stated that if the legal perspective suggestions from GW were implemented, this would be more than what is expected of the outcomes of these Workshops and feel as though these suggestions would complete the aims and objectives of these sessions.

- 4.5 The Chair confirmed that the intent is to carry these suggested changes out as housekeeping changes and will not be looking at any change to current obligations. This will be clarified at every stage of the process.

5. Next Steps

- 5.1 The Working Group discussed the next steps, and the following items were captured:

- 1) GW to draft a proposal for ElectraLink to take to the DCUSA Board for approval.

ACTION 02/01: GW to draft a proposal for ElectraLink to take to the DCUSA Board for approval.

6. Any Other Business

- 6.1 The Chair asked the Working Group if there was any other business to discuss.
- 6.2 There were no other items of business raised.

7. Date of Next Meeting

- 7.1 The date of the next Workshop (03) has been scheduled for 02 December 2021 at 13:00pm.

8. Attachments

- Attachment 1_Standard Licence Condition 22 and 22A
- Attachment 2_Legal Perspective Email from Gowling

APPENDIX A

New and Open Actions

Action Ref.	Action	Owner	Update
02/01	GW to draft a proposal for ElectraLink to take to the DCUSA Board for approval.	GW	Ongoing.

Closed Actions

Action Ref.	Action	Owner	Update
01/01	Secretariat to circulate the full Distribution Licence obligations to the Working Group post-meeting.	ElectraLink	Completed. Circulated to WG during WS 02 and included as an attachment.
01/02	GW and DT to discuss what is possible to be merged/simplified/removed within the DCUSA document for further discussion at the next Workshop (Workshop 02).	Gowling / ElectraLink	Completed. Discussions were circulated to the WG via email.
01/03	Secretariat to circulate a simplified Matrix to circulate to the Working Group to complete.	ElectraLink	Completed. Circulated to WG post-meeting.
01/04	The Working Group to complete a simplified version of the original Matrix ready for discussion at the next Workshop (Workshop 02).	Working Group	Completed. Two responses were received from the WG. These were circulated within the post-meeting pack.