

# DCP 387 Working Group Meeting 05

02 March 2022 at 10am-1pm

Web-conference (MS Teams)

Attendee	Company
<b>Working Group Members</b>	
Chris Ong	UK Power Networks
Claire Campbell	SP Energy Networks
Donna Townsend	Energy Assets Networks
Edda Dirks	SSE Generation
Giao Le	SSE
Helen Tsang	EDF Energy
Kara Burke	Northern Powergrid
Lee Wells	Northern Powergrid
Matthew Tucker	Welsh Power
Paul Bedford	Opus Energy
Richard Ellis	Western Power Distribution
<b>Observer</b>	
Kyran Hanks	Waters Wye (Observer)
Shannon Murray	Ofgem
Matthew Patrick	Ofgem
<b>Code Administrator</b>	
Dylan Townsend [DT] (Technical Secretariat)	ElectraLink
John Lawton [JL] (Chair)	ElectraLink

Apologies	Company
Lee Stone	E.ON

## 1. Administration

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- 1.1 The Chair welcomed the members to the meeting.
- 1.2 The Working Group reviewed the “Competition Law Guidance”. All Working Group members agreed to be bound by the Competition Law Guidance for the duration of the meeting.
- 1.1 The Secretariat noted that the minutes from the fourth meeting had not been circulated with the meeting pack but would be made available following the meeting for the Working Group to review.

## 2. Purpose of the Meeting

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- 2.1 The Chair set out that the purpose of the meeting was to review draft legal text and draft Change Report documents.

## 3. Review and Decision on Draft Legal Text

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### Feedback from legal advisors

- 3.1 It was noted that feedback on the Working Group’s proposed legal drafting had been provided by DCUSA Ltd.’s legal advisors following a request for their review of the draft legal text. It was also noted that the feedback had been placed into the draft legal text document in the form of comments against the relevant text.
- 3.2 The Working Group agreed with the majority of the feedback received from the legal advisors and their resulting decisions on each piece of feedback is captured within the draft legal text document that acts as attachment 1 to these minutes.
- 3.3 Following the review of the draft legal text document, the following actions were captured:

**ACTION: 05/01 – ElectraLink to undertake a tidy up of the draft legal text document and ensure that this version contains all the updates and comments that were captured during the call; including the groups decisions and circulate to the Working Group.**

**ACTION: 05/02 – ElectraLink to create a clean version of the draft legal text such that it is in the required format for the legal advisors and then issue this back to the legal advisors for final review. Unless any material feedback is received with respect to the legal text, the Secretariat is to utilise the version supplied following this review as the text that will accompany the change report.**

## 4. Review of Draft Change Report:

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- 4.1 It was noted that the Working Group had undertaken a review of the draft Change Report document during their fourth meeting, but that some further work was required as a result of:
  - The feedback received from the legal advisors;
  - Some questions put forward by Ofgem related to what the expected impacts of the change may be and if they had been identified and could be explained; and

- The delay between the last meeting of the Working Group and this meeting, meaning that the previously proposed implementation date would likely need reviewing.
- 4.2 The Working Group's review of the draft Change Report document focussed on the following sections of the document:
- 6 Working Group Conclusions & Final Solution
  - 7 Legal Text
  - 10 Impacts & Other Considerations
  - 11 Implementation Date
- 4.3 It was noted that Sections 6 and 7 required updating as a result of the discussions on the first agenda item (i.e. the review of the legal text). Members of the Working Group agreed to a number of amendments to reflect the decision they had just made regarding the legal drafting.
- 4.4 With respect to Section 10, the Secretariat explained that via some emails exchanged with the Ofgem representative, there was a need to give consideration to providing some detail around what the expected impacts of the change are believed to be. It was noted that a sub-section had been added to the Change Report that details the type of information that Ofgem had said might be useful and the request was for members to consider each point.
- 4.5 The Working Group discussed how they might go about identifying and detailing the expected impacts of the change and in doing so, concluded that only high-level impacts could be provided. This was due to issues relating to commercial sensitivities and a lack of available data on which to test.
- 4.6 With respect to Section 11, the Working Group noted that the Change Report hadn't progressed to the Panel as previously planned and this therefore meant an Ofgem decision was unlikely to occur before 01 April 2022. The Secretariat explained that the next standard release would be on 23 June 2022, however, there was also the option of utilising an extra-ordinary release and setting the implementation to 5 working days following approval.
- 4.7 Following some discussion the Working Group agreed to update the implementation date to be 5 working days following approval.
- 4.8 It should be noted that the draft Change Report was updated during the meeting, the agreed amendments and any decisions made are captured within the draft Change Report document that acts as attachment 2 to these minutes.

## 5. Next Steps

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- 5.1 The Working Group agreed the following next steps:
- ElectraLink to complete the necessary updates to the DCP 387 Change Report and circulate to members for review:
  - Working Group members to feed through any comments or suggestions on the draft Change Report by close of play Tuesday, 08 March.

**ACTION: 05/03 – ElectraLink to complete the necessary updates to the DCP 387 Change Report and circulate to members for review.**

**ACTION: 05/04 – Working Group members to feed through any comments or suggestions on the draft Change Report by close of play Tuesday, 08 March.**

## 6. Any Other Business

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6.1 There were no items of AOB, and the Chair closed the meeting.

## APPENDIX 1: Actions Log

### New and Open Actions

Ref.	Action	Owner	Update
05/01	ElectraLink to undertake a tidy up of the draft legal text document and ensure that this version contains all the updates and comments that were captured during the call; including the groups decisions and circulate to the Working Group.	ElectraLink	
05/02	ElectraLink to go through collated consultation response and tidy up Working Group comments so that they can act as an attachment to the Change Report.	ElectraLink	
05/03	ElectraLink to complete the necessary updates to the DCP 387 Change Report and circulate to members for review.	ElectraLink	
05/04	Working Group members to feed through any comments or suggestions on the draft Change Report by close of play Tuesday, 08 March.	Working Group Members	

### Closed Actions

Ref.	Action	Owner	Update
05/01	ElectraLink to include of a timeline of events leading to divergence between DCP 359 and CMP334 in the consultation.	ElectraLink	Completed
05/02	ElectraLink to create a clean version of the draft legal text such that it is in the required format for the legal advisors and then issue this back to the legal advisors for final review. Unless any material feedback is received with respect to the legal text, the Secretariat is to utilise the version supplied following this review as the text that will accompany the change report.	ElectraLink	Completed

<b>05/03</b>	ElectraLink to include an explainer in the draft consultation related to the broadening of the definition of 'Eligible Services Facility' to include services provided to the NETSO and to add a question below it.	ElectraLink	Completed
<b>01/04</b>	ElectraLink to complete first draft of consultation document based on Working Group discussion during meeting and circulate to Working Group for review.	ElectraLink	Completed
<b>02/01</b>	ElectraLink to include links to the relevant documents that are being referenced in section 1 of the draft consultation document.	ElectraLink	Completed
<b>02/02</b>	ElectraLink to check with ESO around the difference in definitions linked to the lack of a reference to 'export' in the definition for Eligible Services Facility.	ElectraLink	Completed
<b>02/03</b>	ElectraLink to add the CUSC definitions for 'Eligible Services' and 'Eligible Services Facility' to the start of the relevant sub-sections of the draft consultation document.	ElectraLink	Completed
<b>02/04</b>	ElectraLink to add some additional text in the subsection related to definition for 'Eligible Services' and 'Eligible Services Facility' to explain the slight diverge between the proposed solution for DCP 387 and that of CMP 334 (WACM1).	ElectraLink	Completed
<b>02/05</b>	ElectraLink to ensure questions which had been updated throughout the document are reflected correctly in section 10 of the consultation document.	ElectraLink	Completed
<b>02/06</b>	ElectraLink to update draft consultation document based on Working Group discussion during meeting and circulate to Working Group for review.	ElectraLink	Completed
<b>03/01</b>	ElectraLink to go back to ENWL with respect to their response to question 2 of the consultation and ask for further clarity on the point they were trying to make, when they stated: <i>"are unsure whether current arrangements constitute a distortion as the effected service providers are providing discrete services to separate systems. This is distinct from eg Generators which"</i> .	ElectraLink	

<b>03/02</b>	ElectraLink to go through collated consultation response and tidy up Working Group comments so that they can act as an attachment to the Change Report.	ElectraLink	
<b>03/03</b>	Working Group members to give consideration to the items which have comments left against them under paragraph 5 of Schedule 32, which generally relate to timelines and backdating of charges.	Working Group Members	
<b>03/04</b>	Working Group members to give further consideration to inclusion of MPANs / Metering Systems in point (b) of the definition for Non-Final Demand Site.	Working Group Members	
<b>03/05</b>	ElectraLink to produce an initial draft of the DCP 387 Change Report and circulate to members ahead of the next meeting.	ElectraLink	