

## DCP 389 Working Group Meeting 06

06 June 2022 at 12pm-2pm

Web-conference (MS Teams)

Attendee	Company
<b>Working Group Members</b>	
Chris Barker [CB]	Electricity North West
Claire Campbell [CC]	SP Energy Networks
Dave Wornell [DW]	Western Power Distribution
Edda Dirks [ED]	SSE Generation
James Jones [JJ]	SSEN
Kara Burke [KB]	Northern Powergrid
Lee Wells [LW]	Northern Powergrid
Mark Jones [MJ]	SSE Business Energy
<b>Observer</b>	
Gus Wood [GW] (Part Meeting)	Gowling WLG
<b>Code Administrator</b>	
Dylan Townsend [DT] (Technical Secretariat)	ElectraLink
John Lawton [JL] (Chair)	ElectraLink

Apologies	Company
Chris Ong	UK Power Networks

### 1. Administration

- 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 fifth 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 the legal text document that had undergone a couple of iterations between being circulated to DCUSA Ltd.'s legal advisor and the Working Group since the last meeting but that to date, agreement had not been reached on the latest iteration.
- 2.2 The Chair also noted that GW from Gowling WLG was in attendance during the meeting to explain the key amendments made to the text as compared to what had been originally issued to the Working Group.

## 3. Review of Draft Legal Text

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- 3.1 It was noted that in order to assist the Working Group, the Secretariat had provided some extra comments in the document in an attempt to explain the core differences (mainly additions) between what the Working Group originally issued to DCUSA Ltd.'s legal advisor and what has eventually come back.
- 3.2 With respect to paragraph 6.3(a) GW noted that the references to paragraphs 1.5(a), 1.5(b) or 1.5(c), had been updated to reflect the fact that the process is dealing with sites post allocation, and therefore it was more appropriate to reference the specific sub elements within paragraph 4. Specifically it now references 4.1(a) for sites banded based on 24 months average Maximum Import Capacity of data over that period as well as paragraph 4.1(b) for sites for banded based on less than 24 months of data and thus allocation to a charging band is based on one of two further criteria.
- 3.3 With respect to paragraph 6.3(b) GW noted that the this has been added to create a carve out that provides for but also restricts the ability of a customer to seek a reallocation where it was allocated in accordance paragraph 4.1(b)(ii) until such time as it has been subject to the 'Annual allocation review of new Final Demand Sites including those allocated based on no recorded data'. For reference, paragraph 4.1(b)(ii) is applicable to sites for which neither 24 months of data was available nor was there enough data available to create an average across less than 24 months and so other available information was used to allocate the site to a charging band that was appropriate for a typical profile of a similar site to best estimate the expected demand of the Final Demand Site.
- 3.4 It is basically a provision for the exceptional circumstances to be able to be applied to sites that are allocated as part of the new process (i.e., the Annual Allocation Review) but only after they have been re-allocated as part of the Annual Allocation Review.
- 3.5 With respect to paragraph 6.3(c) GW noted that this has been added because there is a chance (albeit a rather slim one) that a site may request for a second reallocation, if say they increased/decreased the capacity by more than 50% for a second time within a price control period.
- 3.6 With respect to paragraph 6.3(d) GW noted that this is effectively what the Working Group had as sub-paragraph (b) before, which relates to non-MIC sites only and picks up the possibility of a second reallocation within it, rather than requiring a separate carve out as has been included at the new (b) above.

- 3.7 With respect to paragraph 6.6, GW noted that this was originally set out at paragraph 6.10 but that believed it would be better situated here. However, GW explained that they have also amended what the Working Group had originally provided but that the intent had been retained.
- 3.8 The Working Group considered the proposed amendments and the explanations provided and agreed that they were now comfortable with the text as it was.

## 4. Review of Draft Change Report

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- 4.1 It was noted that the Working Group had effectively already agreed the final version of the Change Report but that given the amendments to the legal text, there was a need to review and update any relevant sections. It was noted that the Working Group agreed to a number of relatively minor amendments to the Change Report and these can be captured in Attachment 1 to these minutes.
- 4.2 The Working Group also considered the proposed implementation date, which had originally been proposed to be either 23 June 2022, if an Authority decision had been provided prior to that date or within 5 Working Days following Authority approval if after that point. It was noted that this decision was based on the desire to have the processes available for use this year, however, given the amount of time that had lapsed between when the Change Report had originally been planned to be finalised and now, the Working Group agreed to consider a new implementation date. Following some discussion, the Working Group agreed that the pragmatic approach would be to set the implementation date to be scheduled for the next DCUSA release following Authority approval and expected this to be during the November 2022 release.
- 4.3 It was agreed for the Secretariat to issue the updated version of the Change Report to members for final review prior to issuing with the Panel papers on 8 June 2022.

**ACTION: 06/01 – In light of some amendments made to the DCP 389 Change Report document, the Secretariat to issue the updated version of the Change Report to members for final review prior to issuing with the Panel papers on 8 June 2022.**

## 5. Next Steps and Work Plan

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- 5.1 The Working Group considered the next steps, and agreed that the following items:
- In light of some amendments made to the DCP 389 Change Report document, the Secretariat to issue the updated version of the Change Report to members for final review.
  - Working Group members to provide any final comments by midday on 08 June.
  - Secretariat to issue the final Change Report, inclusive of any suggested amendments provided by Working Group members with the other Panel papers on 08 June 2022.

## 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
06/01	In light of some amendments made to the DCP 389 Change Report document, the Secretariat to issue the updated version of the Change Report to members for final review prior to issuing with the Panel papers on 8 June 2022.	ElectraLink	

### Closed Actions

Ref.	Action	Owner	Update
04/01	In light of some comments from respondents to the consultation, the Working Group is to consider the reference within paragraph 6.12 of the legal text, which relates to backdating charges, more specifically, with respect to the decisions made by the DCP 387 Working Group and in maintaining a standardised approach throughout the Schedule.	Working Group	Completed
04/02	ElectraLink to summarise options resulting from responses to the consultation around the materiality test for the 'Annual Allocation Review'.	ElectraLink	Completed
04/03	Members of the Working Group to consider the summarised options related to the materiality test for the 'Annual Allocation Review'.	Working Group	Completed
04/04	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	Completed