DCP 403 Working Group - Meeting 02

27 June 2022 at 14:00

Location/ Web-Conference/Teleconference

Attendee	Company
Shannon Murray	Ofgem
Edda Dirks	SSE Generation
James Jones	SSE
Andy Pace	Energy Potential
Lorna Murray	SPEN
Simon Vicray	EDF
Ryan Farrell	Northern PowerGrid
David Fewings	Inenco
Paul Duffus	Western Power
Code manager	
John Lawton (Chair)	Electralink
Andy Green (Technical Secretariat)	Electralink
Apologies	
Helen Tsang	EDF
Simon Yeo	Western Power
Kyran Hanks	Waters Wye Associates
Chris Ong	UKPN
David Wornell	Western Power

1. Administration

1.1 The Working Group reviewed the "Competition Law Guidance" and "Terms of Reference". All Working Group members agreed to be bound by the Competition Law Guidance for the duration of the meeting and agreed to the Terms of Reference.

1.2 The Working Group also reviewed the minutes and actions from Working Group 1. It was queried by ED if the change had been granted urgent status and what the urgent process entails. It was confirmed that the change had been granted urgent status and the chair explained the process for urgent changes and that the DCUSA panel grant if an urgent status is required for a change and that it doesn't need approval from the Authority.

1.3 Agreed to close actions 2 and 3. It was noted that action 1 wasn't formally agreed as it was just something that AP would query so agreed to amend the previous minutes and remove action 01/01 as a formal action.

1.4 It was agreed the Working Group would first review the request for information draft document and then move onto discussing the legal text.

2. Review of Draft request for information

2.1 The Working Group reviewed questions that ED had queried in her email. First query was, should we apply the final question to all distributors, not just PNs? The second query was, could we amend the final question to state ''Do you charge, or would you charge the residual charge for a back-up connection which has its own, separate connection agreement''? The Working Group agreed to both these suggestions. Secretariat took an action to add in the additional question in section 1 of the request for information and to make the agreed amendments that ED had suggested to that final question in sections 1 and 2.

2.2 The Working Group also agreed that it would make the first section of the request for information more transparent as to who the questions applied to if the header for it was changed to ''Customer connection agreements with distributors''. Secretariat took an action to amend the header for the first section of the request for information.

2.3 AP asked if the request for information would be issued to all DCUSA contract managers. The Chair confirmed that the request for information would be sent to DNO's and IDNO's only.

2.4 The Chair queried if 5 working days would be enough for a response to the request for information. The Working Group agreed to the 5 working day timeline. Some Working Group members advised it may be difficult to provide a full set of data in 5 working days but that they would be able to provide at least a percentage of sites with backup connections. An action was taken by the secretariat to amend the request for information and response documents and issue them to all DNO's and IDNO's.

2.5 The Working Group agreed to then move onto the draft legal text provided by AP.

3. Review and discussion of DCP 403 draft legal text.

3.1 The Working Group reviewed feedback on the legal text, and it was noted that the relevant changes may be needed to be made to section 1.3 of schedule 32 not section 4.1.

3.2 LM raised that it may make the definition easier to understand if paragraph 1.3 was enhanced to add something like 'Non-Final Demand Sites and Back-Up Connection Site''. The Working Group agreed this change would make sense.

3.3 It was noted that it was unlikely that small sites would have back-up connections but if these existed then the materiality for these types of sites would be so small that it would make sense to exclude these. The Working Group agreed to include a question within the consultation to address this by asking if NHH (None half Hour) sites should be excluded.

3.4 The Working Group then discussed the definitions for Back-up connection site which will be added to section 8.2 of the definitions section in schedule 32.

3.5 ED queried if the definition should be amended to note that the Back-Up connection can't be used in parallel with the main connection and LM queried if we'd also need to set out if the main and back up connections were on different GSP, would the back-up connection then also be excluded?

3.6 The Working Group agreed that as the scenarios above would be rare, and as its likely not possible to capture all the scenarios, the text be updated to include the vast majority of cases along with a list of exceptions.

3.7 AP queried if a customer picked up the charges elsewhere how would they dispute this. The Chair noted that schedule 32 has a disputes process so if a customer believed they'd already been charged for the extra residual, they could use that process.

3.8 ED provided the follow additional text for the definitions during the break for the Working Group to discuss '' A single site which has the sole purpose of providing redundancy to a specified other single site, and where the redundant capacity can only be used at times when the capacity at the specified other single site is unavailable. The Back-up Connection Site must be connected to the same GSP as the specified other single site''.

3.9 ED noted that if the connection agreements could be merged then the already noted issues are resolved so the text should cater for connection agreements can't be merged. SV also noted that the use of ''Site'' may need to be changed as a ''Site'' is all encompassing definition which would include all connections for the ''Site'' rather than each connection at the ''Site'' so the Working Group would need to consider this when redrafting the definition.

3.10 The Working Group reviewed the draft definition and legal text alongside Ofgem's decision rationale within the TCR.

3.11 As the allotted time for this Working Group was running out the chair suggested that the text drafted during the Working Group be shared with the Working Group and then for the Working Group to reconvene after the responses to the request for information has been received as the responses would help to inform the legal text. Action taken by the secretariat to provide the options for draft legal text and share request for information responses with the Working Group ahead of the next meeting.

3.12 It was also noted that having the Ofgem decision document ready for review before the Working Group to help inform the drafting of the legal text.

4. Next Steps

4.1 It was agreed that the draft RFI would be sent to DNOs, IDNOs and the Working Group in the morning of 28th June 2022 with a response due date of 05 July 2022 and that the Working Group would reconvene 22nd July 2022 at 10am.

4.2 The Secretariat to send out the options of the draft legal text to start some email discussions to develop prior to the next Working Group to redefine Primary connection, Back-up connection and the exceptional circumstance process in line with the current Ofgem decision documents.

5. Any Other Business

5.1 There was no other business raised so the chair closed the meeting.

Action Ref.	Action	Owner	Update
01/02	develop an alternative legal text.	Andy Pace	Closed
01/03	produce a RFI and share with the Working Group	Secretariat	Closed
02/03	Secretariat to add a question 5 to the initial section of the request for information and response documents and to amend the question to state ''Do you charge, or would you charge the residual charge for a back-up connection which has its own, separate connection agreement''	Secretariat	Open
02/04	Secretariat to change the header for the first section of questions in the draft RFI and response documents to read '' Customer connection agreements with distributors''	Secretariat	Open
02/05	Secretariat to share the options of the draft legal text with the Working Group to review prior to the next meeting which will be 22nd July 2022.	Secretariat	Open