

DCP 403 Working Group - Meeting 05

05 October 2022 at 10:00

Location/ Web-Conference/Teleconference

Attendee	Company
Kyran Hanks(KH)	Waters Wye Associates
Chris Ong(CO)	UKPN
Andy Pace(AP)	Energy Potential
Edda Dirks(ED)	SSE Generation
Ryan Farrell(RF)	Northern PowerGrid
James Jones SSE (JJ)	SSE
David Fewings(DF)	Inenco
Simon Vicray(SV)	EDF
Lorna Murray (LM)	SPEN
Code administrator	
Andy Green [AG] (Technical Secretariat)	ElectraLink
John Lawton (JL) Chair	ElectraLink
Apologies	
Shannon Murray(SM)	Ofgem
David Wornell (DW)	Wester Power
Claire Campbell (CC)	SPEN

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 minutes were reviewed from the last Working Group and no comments were made. The Chair suggested the Working Group review the actions from the last meeting in the second section of the call so the legal text review could take place first as the legal advisor was already on the call.
- 1.3 There were no objections so the Working Group began discussing legal text

2. Purpose of the Meeting / Timeline for Delivery

- 2.1 The Chair explained that the purpose of this meeting is to review and discuss the DCP 403 legal text options and review the actions from the previous meeting.
- 2.2 A brief summary of what had been discussed previously was given by the Chair to GW so everyone was up to speed.

3. Review of Legal Text with Legal Advisor

- 3.1 The Chair explained that there were some concerns about the use of 'Site' because within the Ofgem document it talks about a 'Single Site' and this is a subset of a 'Single Site'. The Chair explained there was an alternative proposal from ENW to review as well as the draft text the Working Group had created
- 3.2 GW confirmed that he'd seen both legal text and that he'd noticed they were both very different.
- 3.3 ED explained to GW some of the concerns SSEG had raised in the consultation and that her understanding was that there are 2 connection agreements (a main connection and a backup) and this can't be treated as single sites under the TCR definition as they have 2 connection agreements.
- 3.4 GW started assessing the ENW drafting first, beginning by reviewing the Ofgem TCR decision document and noted that we have the concept of Single Site already as a definition.
- 3.5 GW stated that we don't need to use the concept of Single Site in the definition as at best it's confusing and at worst it doesn't work. GW also stated that rather than focus on the site, it would be best to focus on the connection and to use wording along the lines of 'a connection that's the sole purpose of providing a backup/redundancy'.
- 3.6 GW also advised that calling the definition 'Back-Up Connection' would work better as it doesn't refer to a site. He also stated that within the definition description it would also be useful to remove site and simply note that it provides redundancy which can only be used when the single site is not operating in parallel.
- 3.7 The Chair informed that the version of legal text he'd drafted broadly covers what GW had advised and the Working Group moved on from reviewing the ENW drafted and started reviewing the Chair's drafting.
- 3.8 GW asked if the connection agreements would usually state that the backup connection couldn't be used alongside the backup connection and that any other scenario would be rare? The Working Group noted this would usually be the case however there are examples where the DNO/IDNO doesn't know that there's a backup connection. AP also advised that there's a scenario where the primary connection is with a PNO.
- 3.9 After spending some time understanding the different variations of legal text GW surmised that it would be ok to treat these connections as single sites as long as they get allocated to the correct charging bands which the Working Group agreed with.

- 3.10 With this clarification GW noted that we could leave the definition of single sites as long we identified that single sites with backup connections don't get charged residual.
- 3.11 With a better understanding of the proposal GW stated that he would be able to draft some text for the Working Group to review.
- 3.12 With this Gus left the call and the Working Group moved on to a review of the previous actions and the consultation responses.
- 3.13 The actions from the previous Working Group were reviewed and the action log was updated accordingly. The action log can be found at **appendix 1**. An additional action log has also been created within **attachment 2**.

4. Review of consultation responses and actions

- 4.1 The Working Group began the review of the outstanding queries to the consultation response starting with SSEG.

What Does the Ofgem TCR Decision document mean in paragraph 9 subsection 10?

- 4.2 The Working Group were unable to determine the answer to this question, so SM agreed to take an action to clarify the use of the word "consumption" in paragraph 3.57 (9) and articulate back to the Working Group what this means.

Does this change impact DCP 389 or DCP 328?

- 4.3 The Working Group do not believe there is an impact on DCP 389 and DCP 328 after reviewing the legal text

Is the legal text broad enough to cover DNO/IDNO situations.

- 4.4 The residual charge is applied to the DNOs boundary charge for IDNO connections at EHV so will still be built into the end customers charge. For LV and HV customers the IDNO replicates the DNOs charges including the residual. The legal text will indicate sufficient evidence will be provided and where such instances occur discussion between the DNO and IDNO will need to take place as one will be charging and the other not.

Does the BEIS licence exception review impact this DCP?

- 4.5 Based on what the BEIS licence exemption is reviewing the Working Group concluded that it will not impact this change.
- 4.6 That concluded the review of the outstanding consultation questions, so the Working Group moved onto the next steps.

5. Next Steps

- 5.1 GW agreed to draft some legal text and circulate to the secretariat so this can be shared with the Working Group by AG.
- 5.2 AG agreed to create a draft Change Report for this change and share with the Working Group prior to the next meeting.
- 5.3 The Working Group agreed to meet again to review the redrafted legal text and change report on 24 October 2022 AT 2pm.

6. Attachments

- Attachment 1 _DCP403_Colated_Consultation_Responses
- Attachment 2 _DCP403_Action_Log

7. Next Meeting – TBC 2022

8.1 The next Working Group to be held on 24th of October at 2pm.

Appendix 1 – Actions Log

New and Open Actions – (Open/Closed Session) or (Board)

Ref.	Action	Owner	Update
5.1	05-10-22 SM to clarify paragraph 3,57 (10) SM to also clarify the use of the word "consumption" in paragraph 3.57 (9) and what this means.	Shannon Murray	Open. SM to review and provide clarity to the Working Group.
5.2	New legal text to be drafted and shared with the Working Group	Secretariat	

Closed Actions – (Open/Closed Session) or (Board)

Ref.	Action	Owner	Update
03/01	Claire Campbell to check if the example given by SP's response to question 5 in the RFI document would have a single connection agreement or separate agreements	Claire Campbell	Closed
03/02	Secretariat to align the final two questions in the RFI response document with the RFI that was issued	Secretariat	Closed,
03/03	Secretariat would update the draft consultation document with the draft legal text, how that text was landed on	Secretariat	Closed,

	and to include the request for information responses.		
03/04	Shannon Murray to clarify if within the TCR, were Ofgem referring to one customer to one site relationship or is it multiple customers to one single site	Shannon Murray	Closed,
04/01	Update the paragraph and consultation questions numbering sequences within consultation document and share updated version with the Working Group.	Secretariat	Closed,
03/01	Claire Campbell to check if the example given by SP's response to question 5 in the RFI document would have a single connection agreement or separate agreements	Claire Campbell	Closed.