

# DCP 403 Working Group - Meeting 08

07 November 2022 at 14:00

Location/ Web-Conference/Teleconference

| Attendee                                       | Company               |
|--|-----------------------|
| <b>Kyran Hanks(KH)</b>                         | Waters Wye Associates |
| <b>Andy Pace(AP)</b>                           | Energy Potential      |
| <b>Edda Dirks(ED)</b>                          | SSE Generation        |
| <b>Ryan Farrell(RF)</b>                        | Northern PowerGrid    |
| <b>James Jones SSE (JJ)</b>                    | SSE                   |
| <b>David Fewings(DF)</b>                       | Inenco                |
| <b>Lorna Murray (LM)</b>                       | SPEN                  |
| Code administrator                             |                       |
| <b>Andy Green [AG] (Technical Secretariat)</b> | ElectraLink           |
| <b>John Lawton (JL) Chair</b>                  | ElectraLink           |
| Apologies                                      |                       |
| <b>Shannon Murray (SM)</b>                     | Ofgem                 |
| <b>David Wornell (DW)</b>                      | Wester 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 actions and minutes from the previous Working Group were reviewed and the action log was updated accordingly. The action log can be found at **appendix 1**.

## 2. Purpose of the Meeting / Timeline for Delivery

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- 2.1 The Chair explained that the purpose of this meeting is to review and discuss the DCP 403 legal text provided by the legal advisor and agree on the final version, review the change report, and sign off in readiness for November's panel and agree on the final version of the consolidated consultation responses.

## 3. Review Initial Draft Legal text

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- 3.1 The Working Group began reviewing the draft legal text starting with paragraph 5A.1A. ED confirmed she was happy with the steer from the legal advisor and that her concern had been answered.
- 3.2 The Working Group agreed to remove the final sentence in paragraph 5A.1A which stated *'Those premises will (for the purposes of the Back-up Connection only) be allocated to the relevant "No Residual" charging band (as described in the Charging Methodologies) based on the voltage of the Backup Connection.'*  
as the majority of the Working Group believed that the sentence could cause more confusion.
- 3.3 The Working Group moved on to then reviewing paragraph 1.2A in line with the steer from the legal advisor. The Working Group were unanimous in the decision to reject the amended legal text that the legal advisor had provided and leave the text as originally drafted. The Chair did note that the legal steer was only a suggestion and did state that the proposed changes were not essential.

### Connections to more than one GSP

- 3.4 The Working Group reviewed the email from SM that gave clarity on connections to more than one GSP. The initial thoughts from Ofgem were to categorise this under the 'complex sites' heading. Considering paragraph 3.57 (9) (in Ofgem's TCR decision document) the back-up should be exempt from residual regardless of the source of the connections. However, SM did state that this would be something Ofgem would need to consider further at the decision stage should different GSPs result in a residual charge being applied
- 3.5 It was suggested that an alternate solution could be raised with text in the Back-Up Connection definition around GSPs but this was rejected by the Working Group as they believed it caused more confusion. AP also noted that as the current text states the customer must provide evidence that the back-up connection is a sub set of the primary connection this more than covered the requirement.
- 3.6 It was also noted that these instances are very rare and that there are no references to GSP's in Ofgem's TCR decision document, so this again mitigated the need to include text to cover the GSP scenario.
- 3.7 ED requested that the reasons for not including text to cover connections to more than one GSP are captured in the change report which. JL confirmed that the draft change report already has this pointed mentioned.
- 3.8 This concluded the Working Groups review of the legal text and the secretariate took an action to issue the updated legal text to the legal advisor for completion.

## 4. Review of Draft Change Report

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- 4.1 The Working Group reviewed the change report that had been shared starting with the timeline. JL advised that the intention was to still submit for the November panel and the implementation date is still April 2023.
- 4.2 The changes that were made to the legal text for connections to more than one GSP were included in the change report along with added context taken from the clarity received by Ofgem.
- 4.3 The secretariate took an action to check in with SM that she was happy that the context taken from the Ofgem steer could be included within the change report.
- 4.4 This concluded the review for the change report, and it was agreed by the Working Group that the change report was ready for submission to the panel.

## 5. Review of Consolidated Consultation Responses

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- 5.1 The Working Group gave one final review of the consolidated consultation response document for final sign off.
- 5.2 There were no comments raised whilst reviewing the document, so it was agreed it was ready for submission to the panel.

## 6. Next Steps

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- 6.1 JL explained as all outstanding actions on the legal text and change report had been completed this change is now ready for submission for the November DCUSA Panel meeting and as such, no further meetings are required at this time.

## 7. Attachments

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- N/A
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## Appendix 1 – Actions Log

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

| Ref. | Action  | Owner          | Update  |
|------|---|----------------|---|
| 7.1  | Draft a question to for legal advisor asking if it is possible to allocate premises to a residual charging band.                          | Edda Dirks     | Closed-Edda provided the questions and summery for the secretariat to share with the legal advisors at Gowlings.                          |
| 7.2  | Draft new legal text and share with Working Group.  | Secretariat    | Closed-Andy Green shared the updated legal text from Gowlings with the Working Group.   |
| 7.3  | Draft change report and share with Working Group.   | Secretariat    | Closed-John Lawton updated and shared the change report to the Working Group priory to the 07 November session.                           |
| 7.4  | Clarify how sites with back up connections with the same DNO as the primary connection but where the back up connection should be treated | Shannon Murray | Closed- Shannon was unable to attend the meeting but had submitted a rewritten response which confirmed how these sites should be treated |