

DCP 403 'Clarify the application of the TCR fixed charge'

COLLATED CONSULTATION RESPONSES WITH WORKING GROUP COMMENTS

Company	Confidential/ Anonymous	1. Do you understand the intent of DCP403?	Working Group Comments
Estover Energy		Yes.	Noted
WPD		Yes	Noted
SSEN		Yes	Noted
ENW		Yes	Noted
SPEN		Yes, SPEN understand the intent of this change proposal.	Noted
SSE Generation		Our understanding is that the proposer is seeking to partially exempt those sites from the residual charge which have more than one connection agreement, and where one of those connection agreements is for capacity which provides redundancy to the site. The type of site the proposer seeks to cover is not a 'single site' under the TCR definition, and hence might currently be subject to a different residual charge than a 'single site'.	Noted
OPN		Yes	Noted
Working Group Conclusions: All parties agree they understand the intent of DCP 403			

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Company	Confidential/ Anonymous	2. Do you support the principles of DCP403?	Working Group Comments
Estover Energy		Yes, we support the principles of DCP403	Noted
WPD		Yes	Noted
SSEN		Yes	Noted
ENW		Yes	Noted
SPEN		Yes SPEN supports the principles of this change proposal.	Noted
SSE Generation		<p>The proposer rests their case for exempting sites with redundant connections, where the redundant connection is made under a separate connection agreement, on references in Ofgem's TCR decision, paragraph 3.57, subsection 9).</p> <p>Whilst this does refer to redundant connection capacity, it doesn't state that sites with such capacity shouldn't be subject to the Residual. Instead, it states that total consumption volumes across all connections (meaning main and redundant) should be combined for the purposes of allocation of residual charges. We note that this applies to NHH LV sites which are banded based on consumption.</p> <p>However, we think that paragraph 9) is not clear on how this principle should be applied to sites which are banded using their MIC but we don't consider that this proposal resolves that lack of clarity.</p> <p>We think that subsection 10) is also relevant as Ofgem refers here to</p>	<p>The respondent did not agree that the section quoted from Ofgem's TCR decision provided a rationale for the proposal and asked that this is recorded in the change report. The Working Group considered whether this proposal applies the process that Ofgem have described of summing of total consumption volumes across all connection. Working Group to review paragraph 9 and subsection 10 of Ofgem's TCR decision document.</p>

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		"redundancy provisions". However, such provisions are not spelt out anywhere to our knowledge, so Ofgem's policy intent isn't entirely clear to us. Due to this lack of clarity, we cannot support the principles of this proposal at this time.	
OPN		Yes	Noted
Working Group Conclusions: Yes:6 No:1 The Working Group reviewed the comments highlighted by SSEG specific to paragraph 3.57 (9) and (10) of the TCR decision document and sought guidance from Ofgem for inclusion on the change report.			

Company	Confidential/ Anonymous	3. Do you consider that backup connections should be exempt from residual charges? Please provide your rationale.	Working Group Comments
Estover Energy		Yes, backup connections should be exempt from the residual charge. The residual charge is a balancing item for network companies to ensure they recover the correct revenue each year. It is not a cost reflective charge and the principle of recovering it as a fixed charge is to recover it in a fair and system way between sites. It is therefore unreasonable to expect a site to pay the fixed charge on their primary connection and backup connection, particularly when the capacity reserved is the same for both connections.	Working Group note that this is in line with the current change proposal.

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WPD		Yes. Final demand sites with back-up connections will already be paying the residual element on their main connection. Therefore, charging residual on the back-up connection too risks double-charging.	Working Group note that this is in line with the current change proposal.
SSEN		As defined during the DCP this is to apply to sites that have a separate connection agreement for 'backup' capacity. In this scenario it is envisaged that the 'backup' connection and the main connection cannot run in parallel and the capacity of the 'backup' connection doesn't exceed that of the main connection when the 'backup' becomes active. We agree with this rationale and therefore agree 'backup' connections should be exempt from residual charges. It is also understood that the intention would be for the customer to 'self-certify' this backup connection status either by way of certificate, similar to the Non-Final Demand process, or other suitable documentation process as decided by the working group.	Working Group notes the response states the legal text refers to evidence which they believe is more onerous than self-certification.
ENW		<p>It seems appropriate that where there is redundant capacity linked to a backup connection that residual charges should not apply, which is in line with Ofgem's TCR Direction. However, it may be difficult to identify such scenarios particularly where backup connections have their own separate connection agreements. If this change were to be implemented a new process would need to be put in place to detail the capacity of the 'primary' connection and the capacity for the 'redundant' connection. There may need to be coordination between DNO/IDNO Parties and there could be a link to DCP 389 which may need to be implemented in parallel. Checks could be made on whether consumption is zero on a 'backup connection'.</p> <p>The recent RFI concluded that there is limited information available on this type of arrangement. Due to this, we believe that supplier or customer</p>	<p>The Working Group reviewed DCP 389 alongside DCP 403 and concluded that they believe there or no impacts to either DCP.</p> <p>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</p>

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		certification of such connections would be required, similar to the process for non-final demand sites.	and where such instances occur discussion between the DNO and INDO will need to take place as one will be charging and the other not.
SPEN		Yes, where it is clear that the backup connection meets the definition in the proposed legal text	Working Group note that this is in line with the current change proposal.
SSE Generation		<p>a) In our response to question 2, we have outlined that we don't consider Ofgem's policy intent to be clear on how sites which are banded based on their MIC, and which have redundant connections should be treated.</p> <p>b) The proposer cites an example of a site where a customer imports via a private network but maintains a backup connection to the distributor's network. We consider that the site has a clear benefit from this configuration, compared to sites which don't have a back-up connection, especially to a network separate to their main supply. We consider that as such, the customer should contribute, via the residual charge, to the upkeep of the network which provides their back up connection.</p>	<p>See response to question 2</p> <p>The Working Group will provide these arguments within the change report document as counterview.</p>
OPN		<p>Yes, in the scenario described where capacity cannot be taken simultaneously in two places.</p> <p>Future work may be required to determine whether the provision of backup connections incurs costs that would be recovered through residual charges, and whether there are scenarios where backup connections should be liable for residual charges.</p>	The first part is in line with the Working Group's view. The second paragraph may require a further change as it's deemed out of scope since the intent of this change should be to align it to the TCR decision document.
Working Group Conclusions: The majority of respondents (six) stated they believe backup connections should be exempt from the residual charge. Respondent raised concerns over:			

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- lack of clarity in the TCR definition,
- potential interaction with DCP389 and
- Future work may be required to determine whether the provision of backup connections incurs costs that would be recovered through residual charges.

Company	Confidential/ Anonymous	4. Should a single site be specific to one customer or multiple customers if within a private network? Please provide your rationale.	Working Group Comments
Estover Energy		Where a single site is embedded in a private network, it should still be defined as a single site, even though it may appear as multiple customers. This is because if the private network was owned by the DNO, then there would only be a single customer and a single site. The customer should not be discriminated against because they are connected via a private network rather than the public network.	Working Group agreed that it is the connection agreement that defines the single site and not the number of customers.
WPD		This is determined by the connection agreement. A single site is specific to one customer where the connection agreement relates only to that customer. Similarly if the connection agreement relates to multiple customers, then those customers may be considered as a single site.	Working Group agreed that it is the connection agreement that defines the single site and not the number of customers.
SSEN		It is our opinion that a single site definition should apply the same within a private network as it would do out with a private network. This will be covered by the relevant connection agreements. The private network will hold the connection agreements for said connection arrangement and our understanding that a backup connection within the private network will be certified by the owner of the private network. Where the backup connection	Working Group agreed that it is the connection agreement that defines the single site and not the number of customers.

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		for the private network customer is connected directly to the DNO network it would be our understanding that this would be treated as multiple customers.	
ENW		Under current industry arrangements DNOs do not need to consider downstream users connected to a network operating under licence exemption, as DNO to private network connections are treated as a single customer. Any future changes to industry arrangements for a private network would need to consider this circumstance, ie DCP 328 'Use of System Charging for private networks with competition in supply'. However, we do not believe arrangements for private networks were within the scope of the TCR Direction	<p>Noted</p> <p>The Working Group reviewed DCP328. DCP328 does consider residual charges. In the first two instances (Difference Metering and shared Metering they charge to the boundary supplier. On fully settled Sites they charge the embedded supplier. It does not however impact on this change proposal.</p>
SPEN		For the purposes of defining backup connections SPEN accepts that a single site can apply to multiple customers within a private network.	<p>noted</p>
SSE Generation		The TCR definition of a 'Single Site' is not defined in terms of customers but in terms of non-domestic premises that are connected to the distribution system pursuant to a single Connection Agreement. Hence the term 'customer' is not relevant in this context. Attempts to include this term could materially affect the implementation of the TCR's policy intent, which may go beyond the scope of this proposal	<p>Working Group agreed that it is the connection agreement that defines the single site and not the number of customers.</p>

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OPN		With limited visibility of arrangements on all private networks, this could be difficult to assess.	noted
Working Group Conclusions: Under the current arrangement's sites connected to a private network with backup connections would have multiple connection agreements and would therefore be considered as multiple single sites. DCP328 does not impact this change proposal.			

Company	Confidential/ Anonymous	5. Do you consider that the proposed solution meets the TCR decision on redundant connection capacity? Please provide your rationale.	Working Group Comments
Estover Energy		Yes, we consider that the solution meets the TCR decision on redundant capacity. The TCR rationale was that the residual charge should be recovered in a fair and non-discriminatory way and that each final demand site should pay their fair share of the residual. Where backup connections exist on the public network, this can be addressed by merging connection agreements to meet the definition of one site. This option is not available to customers connected to a private network with a backup connection connected to the distribution network. The solution under this proposal allows these customers to only pay the fixed charge once, but only once evidence has been provided to the DNO that the backup connection is used for backup purposes and that the capacity reserved is a subset of the capacity reserved under the main connection agreement by the private network.	This meets the current working groups position.

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WPD		Yes. The definition of a backup connection in section 8 of the legal text addresses the situation where a connection is unused other than when an alternative connection is unavailable	This meets the current working groups position.
SSEN		As per our answer to question 3, we believe this proposed solution implements a solution that adequately avoids double charging customers for 'redundant'/'backup' capacity.	This meets the current working groups position.
ENW		No, we do not believe the proposed legal text properly implements the intentions of the working group. Principally, the introduction of a Backup Connection Site definition is flawed because backup connections are additional connections to a single site and should not affect the charges for all connections to a site. For example, under circumstances where the primary and backup connections are provided by the same DNO under a single connection agreement, we do not believe the legal text as drafted is sufficiently clear (this is one site with two connections, the legal text seems to try to treat it as two sites, but arguably as drafted it would exempt both connections). Secondly, we believe the working group should not introduce arrangements for private networks operating under a licence exemption as part of this change, as this was not part of the TCR decision. We have suggested an alternative approach to the legal drafting in Q11 for the working group to consider.	Legal text to be reviewed under Q11. The suggestion is that the licence at the private networks was not part of the TCR decision.
SPEN		Yes, SPEN considers that this solution meets the TCR decision on redundant connection capacity, since the definitions of Backup Connection Site and Licence Exempt System Back-Up Connection Site specifically refer to redundancy in this context.	This meets the current working groups position.

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SSE Generation		No, we don't. For our reasons, please see our response to q.6.	Refer to Q6.
OPN		Yes	This meets the current working groups position.
Working Group Conclusions: Review legal text in question 11, review the TCR decision in relation to private networks and review Ofgem's request for further clarity on the TCR decision.			

Company	Confidential/ Anonymous	6. Should the introduction of a subset to a Final Demand Site result in the allocation to a zero-charging band? Please provide your rationale	Working Group Comments
Estover Energy		Yes, the introduction of a subset to a Final Demand site should result in an allocation to a non-residual band for the rationale set out in our response to Q5	Agree with the working group
WPD		If an MPAN meets the definition of a backup connection, then it should be allocated to a zero-charging band in order to avoid the residual charge.	Agree with the working group
SSEN		If the proposal passes as it currently is we see no other option than to apply a Non-Final Demand status to 'backup' connections.	Agree with the working group
ENW		We believe the introduction of a subset to a Final Demand Site to be outside the scope of the TCR Direction. The approach of introducing a subset to a	We believe this is not an issue since there is only one residual charge being

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		Final Demand Site excludes instances where the backup and primary connection to a site are under the same connection agreement, we believe a simpler more direct approach to identify the backup connection element is more appropriate.	allocated through that site. We will review the legal text provided under Q11. The term is not to be used in preference to be amending the definition of Single Site
SPEN		SPEN agrees that sites meeting the definition of Backup Connection Site or Licence Exempt System Back-Up Connection Site should not be charged residual.	Agree with the working group
SSE Generation		<ul style="list-style-type: none"> • We do not consider that a robust rationale has been provided in the consultation for partially exempting sites with separate back-up connection agreements from the residual charge. • The proposed approach does not seem workable. For the purpose of the TCR, 'Single Site' means one or more Non-Domestic Premises that are connected to the distribution system pursuant to a single Connection Agreement. <p>As the proposal concerns sites which have more than one connection agreement (for both a main and a redundant connection), under the TCR, such sites cannot be 'Single Sites'.</p> <p>Hence, it is not clear how the proposed entity 'Backup Connection Site' can be a 'Single Site' (as per the proposed definition in section 8. of the legal text) with "the sole purpose of providing redundancy to a specified other Single Site", as the back-up connections to be covered by the proposal are always second connections to a site, with separate connection agreements.</p>	Defer update until after Q11 The term is not to be used in preference to be amending the definition of Single Site.

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		The redundant connection itself cannot be a 'site' either, as it doesn't align with the TCR definition of a 'site'.	
OPN		No. This could introduce further complex change into a market already going through significant change and with the DUoS SCR still to come.	We note this response, and that the DUoS SCR is with the Authority.
<p>Working Group Conclusions:</p> <p>Four respondents believed that the introduction of a subset to a Final Demand Site should result in the allocation to a zero charging band.</p> <p>The respondents who disagreed stated that</p> <ul style="list-style-type: none">• this could introduce further complex change into a market already going through significant change and with the DUoS SCR still to come.• the introduction of a subset to a Final Demand Site to be outside the scope of the TCR Direction. The approach of introducing a subset to a Final Demand Site excludes instances where the backup and primary connection to a site are under the same connection agreement, we believe a simpler more direct approach to identify the backup connection element is more appropriate.• the proposed approach does not seem workable. For the purpose of the TCR, 'Single Site' means one or more Non-Domestic Premises that are connected to the distribution system pursuant to a single Connection Agreement. They also noted as the proposal concerns sites which have more than one connection agreement (for both a main and a redundant connection), under the TCR, such sites cannot be 'Single Sites'.			

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Company	Confidential/ Anonymous	7. If the Back Up Connection Site is connected to a different GSP to the main connection, should it be exempt from residual charges? Please provide your rationale.	Working Group Comments
Estover Energy		The criteria of whether a backup connection is via a different GSP is not valid as it could still apply to the same capacity if the two GSPs run in parallel. The legal text proposed through the solution requires the backup connection to provide evidence to show that the backup capacity is a subset of the primary connection which removes the need to apply any additional criteria such as whether the backup connection is via a different GSP.	In line with the working groups current approach.
WPD		No. Where this is the case, the backup connection may be utilising significantly different assets from the main connection and should not liable for its own residual charges.	Noted
SSEN		We believe that a back-up connection connected to a different GSP would not be exempt from residual charges. Separate O&M costs would be calculated during the connection process which would allow for correct allocation of residual charges to be derived.	Noted
ENW		Yes, as it doesn't matter where the backup connection is located.	Noted
SPEN		SPEN believes that this example, where a connection site is connected to a separate GSP, is out of the scope of this change proposal, and believes that this site should not be exempt from residual charges, since this capacity is not satisfying the definition of redundant capacity.	Noted

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SSE Generation		As per our responses to previous questions, we don't consider that the case has been made for partially exempting any sites with separate back-up connection agreements from the residual charge, including those sites which have a backup connection to a different GSP. In any case, we understand that such sites are not in scope of the proposal.	Noted
OPN		No. It would appear, based on the airport example in the consultation, the Back Up Connection Site is reserving capacity that cannot be provided to other network users. If this is the case, no exemption should be applied.	Noted
Working Group Conclusions: the majority believe that an exemption should not apply. The outcome of this will depend on the evidence provided for each situation.			

Company	Confidential/ Anonymous	8. Do you consider that the proposal better facilitates the DCUSA General Objectives? If so, please detail which of the General Objectives you believe are better facilitated and provide supporting reasons. If not, please provide supporting reasons.	Working Group Comments
Estover Energy		We believe this mod better meets DCUSA general objectives 1, 2 and 3 by ensuring DNOs apply DUoS charges in a non-discriminatory way to sites connected to private networks with backup connections to the distribution network. This facilitates effective competition and encourages the development of distribution networks in an economical way by removing a	Better facilitates 1, 2 and 3

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		potential barrier for sites considering connecting to a private network, which may be the most efficient arrangement.	
WPD		Yes. It supports DCUSA general objectives 1 and 3 by furthering the economical operation of the Distribution Networks.	Better facilitates 1 and 3
SSEN		We believe this change will better facilitate DCUSA Charging objectives 1-4. As it is a fairer representation of the costs we would expect to incur by the DNO for a site with a backup connection, currently charging the customer twice contravenes those objectives, along with DCUSA General Objective 3 & 4.	Covers both charging and general objectives
ENW		We agree with the proposer that General Objectives 1, 2 and 3 would be better facilitated by this change proposal, subject to ensuring the legal text properly reflects the intent.	Better facilitates 1, 2 and 3
SPEN		SPEN agrees with the proposer that General Objectives one, two and three are better facilitated by the change proposal.	Better facilitates 1, 2 and 3
SSE Generation		No, we don't. As per our responses to previous questions, we don't consider that a clear case has been made for exempting any sites with separate back-up connection agreements from the Residual	None based on current proposal
OPN		Yes. We agree with the assessment presented in the Consultation.	In line with the consultation

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Working Group Conclusions:

Noted the responses and they will be discussed in the change report when they discuss whether they are better facilitated or not.

It should be noted that this change should be measured against the Charging Objectives and the consultation document incorrectly stated the general objectives.

Company	Confidential/ Anonymous	9. Are you aware of any wider industry developments that may impact upon or be impacted by this CP?	
Estover Energy		No	noted
WPD		No	noted
SSEN		No	noted
ENW		We believe this DCP could interact with DCP 389 'TCR - Clarification on exceptional circumstances and allocation review for new sites' and 328 'Use of System Charging for private networks with competition in supply.' There may be potential future impacts as a result of DUoS Reform.	The Working Group reviewed DCP 389 and DCP 328 alongside DCP 403 and concluded that they believe there or no impacts to any of these DCPs
SPEN		SPEN agree with the potential impacts identified in section 6.3 of the consultation document and are not aware of any other impacts	noted
SSE Generation		We consider that the proposal may not be in line with Ofgem's TCR intent.	See response to question 5

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OPN		Yes. There are several changes underway including a licence exemptions review and the upcoming DUoS SCR which could have material impacts on how this CP affects customers and/or network operators	Based on what the BEIS licence exemption is reviewing (insert link) the Working Group concluded that it will not impact this change. Already referenced DUoS
Working Group Conclusions: <p>The areas identified related to DCP328 and DCP389. In both instances the Working Group believe there is no impact.</p> <p>On area relating to the BEIS licence exemption, once again the Working Group believe it does not impact that work.</p> <p>Finally, the DUoS SCR is still with Ofgem so no comment can be made at this time.</p>			

Company	Confidential/ Anonymous	10. What date do you believe this change proposal should be implemented? Please provide your rationale.	Working Group Comments
Estover Energy		This mod should be implemented as soon as possible following an Authority decision. Even if DNOs require an implementation period, the updated tariffs can be backdated to the decision date to ensure existing sites impacted by the change are not disadvantaged.	ASAP
WPD		As soon as possible with changes in tariffs backdated to Apr22.	Back dated to April 2022
SSEN		As soon as possible.	ASAP
ENW		There doesn't seem any reason why it can't be implemented as soon as the necessary DCUSA change has been approved, subject to providing adequate	ASAP

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		time to introduce changes to DNO charging statements (including certification templates)	
SPEN		SPEN believes that this change proposal should be implemented in line with the next release of the DCUSA however since this is an urgent proposal, and is expected to have limited day to day impact, SPEN are comfortable with the proposer's suggestion of implementation at the earliest possible date.	Earliest possible date
SSE Generation		We don't consider that this proposal should be implemented as it stands.	Not implemented based on current solution
OPN		April 2023 with all the other DCUSA impending changes. This also gives time for all necessary processes to be put in place ahead of implementation date. Any applicable Rebates would then apply from 1st April 2023 when the new CP is introduced.	April 2023
<p>Working Group Conclusions:</p> <p>3 options being put forward are to:</p> <p>backdate to April 22,</p> <p>the next is to implement April 23 and</p> <p>the third to implement ASAP.</p> <p>The solution is relatively straight forward by amending the LLFC from any specific date. There are concerns that backdating creates a dangerous precedent for further changes should this be proposed.</p> <p>Such a decision will be made at the change report stage.</p>			

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Company	Confidential/ Anonymous	11. Do you have any comments on the proposed legal text?	Working Group Comments
Estover Energy		We agree with the proposed legal text	We note the response
WPD		No	We note the response
SSEN		<p>Definition of a Backup site perhaps isn't clear. Current reads as:</p> <p>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.</p> <p>A Backup connection site is a site where a separate connection agreement is in place for backup capacity to be used separate to the main connection, i.e where the main connection cannot run in parallel and the capacity of the 'backup' connection doesn't exceed that of the main connection when the 'backup' becomes active.</p> <p>The use of the term 'site' is perhaps confusing as they are not separate 'sites' they are separate connections to the same site.</p>	<p>Back-up connection site now not being proposed</p>

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ENW		<p>The legal text and solution should be revisited. There is no such thing as a Backup Connection site, there are Backup Connections to Single Sites which should not incur residual charges.</p> <p>Our proposed legal text is as below:</p> <p><i>Para 5A.1B replaced with the below:</i></p> <p>5A.1B For a Backup Connection to a Final Demand Site, and where the evidence necessary to satisfy the definition has been provided, that Backup Connection will be allocated to the relevant "No Residual" charging band based on the voltage of connection.</p> <p><i>The below definition added, and all other new definitions removed:</i></p> <p>Backup Connection</p> <p>An import Metering Point or Metering System with associated metering equipment which only measures electricity which is consumed at a Single Site for the sole purpose of providing redundancy, and where the redundant capacity can only be used at times when the capacity provided by another Metering Point or Metering System with associated metering equipment is unavailable, and where the Single Site is generally operated such that the redundant capacity is only required under exceptional circumstances such as in the event of unexpected equipment failure, maintenance of equipment, or other technical reason.</p> <p>and:</p> <p>(i) if registered in MPAS, is subject to certification from a Supplier Party that the site meets the criteria in the paragraph above, which certificate has been provided to the DNO/IDNO Party;</p> <p>or</p> <p>(ii) if registered in CMRS, is subject to certification from the Customer (or its CVA Registrant) that the site meets the criteria in the paragraph above, which certificate has been provided to the DNO/IDNO Party.</p>	<p>Will review with the legal advisor.</p> <p>See proposed legal text</p>
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SPEN		No comments	noted
SSE Generation		Please see our response to q. 6. We don't consider that the proposed text is workable	See response to Q6
OPN		No	noted
Working Group Conclusions: The Working Group to review the suggestions and invite the legal advisor to discuss at the next meeting			