

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

Company	Confidential/ Anonymous	1. Does Solution B require a derogation and if so, what type of derogation would be needed? Please provide rationale	Working Group Comments
UKPN	Non-confidential	We would assume that a derogation from Ofgem would be required to allow the Network companies to not follow DCUSA to introduce a new tariff for this group of Customers (including new LLFCs) without providing 15 months' notice. A revision to charges and a reasonable notice period would likely delay the implementation of any change by a number of months, should solution B be taken forward.	Yes, for the tariffs to be updated outside the 15 months notice period
ENWL	Non-confidential	Yes, Solution B may require DNOs to apply for a derogation, regarding the DNO annual charging statement and DCUSA CDCM methodology. It would be useful to obtain legal advice for a derogation under the DCUSA. If Solution B is progressed further by the working group, it would be useful for DCUSA Parties to obtain legal advice in respect of their Licence requirements in this area.	Yes
Confidential	Confidential	No comment	
NGED	Non-confidential	A derogation may be required to charge outside of the CDCM and the 15 month notice period for solution B if this was brought in immediately. However, there would be no effect on prices as new tariffs will be introduced which will be the same price as the previous tariffs for the same customers.	Yes, for the tariffs to be updated outside the 15 month notice period
NPG	Non-confidential	We believe this does require a derogation from Ofgem against clause 19.1A to not provide 15 months' notice. This is because this is introducing new tariffs/LLFCs.	Yes, for the tariffs to be updated outside the 15 month notice period

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

SSEN	Non-confidential	<p>We do not believe a derogation is required for solution B as we only need to adjust the Schedule of Charges and LC14 statement to reflect the changes to the tariff name. The charges will stay the same, and beyond housekeeping activities, there is no need for a derogation.</p> <p>A DCUSA change proposal that allows us to amend the tariff description (part 2 matter) may need to take effect from the implementation date (assuming November 2023).</p>	No
Shell Energy UK	Non-confidential	We have no strong views either way.	
SPEN	Non-confidential	SPEN do not believe that a derogation would be required, however the LC14 statement potentially would need form approval from Ofgem.	No but the LC14 statement would need authority approval.
ENC	Non-confidential	Yes, we believe that Solution B would require a derogation letter issued by Ofgem.	Yes
Npower Commercial Gas Limited	Non-confidential	We suspect that solution B would require Derogation because Part F 'Amendment of Licensee's Use of System Charges' of SLC 14 of the Electricity Distribution Licence sets out that the Authority must revised Use of System Charging Statement that sets out the amended charges and specifies the date from which they are to have effect.	Yes, for the tariffs to be updated outside the 15 month notice period

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

		<p>Whilst Solution B does not change the charges themselves it does change the charging statement because the tariff names change, which are part of the LC 14 statements, so we think that a derogation is required against clause 19.1A of the DCUSA as an IDNO Licensee is required to give 14 months' notice & DNO licensees are required to give 15 months' notice to vary Use of System Charges.</p>	
BG	Non-confidential	<p>For clarity, we suggest a view on this is sought by the DCUSA legal advisors and Ofgem. However, we can see an argument that may support a view that no derogation is required from either DCUSA or Ofgem.</p> <p>The 15 month notice requirement in DCUSA applies to changes to 'Use of System Charges' which appear to be defined (at 19.1C) as the <i>values</i> of charges in the charging statements. These 'values' will not be changing under option B and so arguably no derogation is required from the 15 month notice obligation.</p> <p>The names of these charges and who they may be applied to will change under option B, but as long as Ofgem is aware of the intent and effect of approving such a modification, then we see no reason why it could not approve it with an implementation date of as soon as reasonably practicable.</p>	<p>Suggests further clarity from DCUSA and Ofgem legal teams but possibly no derogation needed</p>
SSE Energy Supply Ltd	Non-confidential	<p>Yes, there would be a need for a transitional derogation due to the nature of the proposed solution. This proposal would only be for certain CT metered sites which would not be receiving site specific invoices, if a transitional derogation is not put in place, the solution could not be achieved.</p>	<p>Yes</p>

DCP 414 ‘Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

Working Group Conclusions: 7 respondents believed a Derogation would be required.

2 respondents didn’t offer any comment.

A further 2 respondents believed no derogation was required.

Another respondent didn’t believe that a derogation was required but requested that legal steer was sought from the DCUSA legal advisors.

The Working Group concluded that a derogation may be required around the LC14 statement and requested legal guidance was gathered from Gowlings. This advice was sought and was as follows *‘The safest course of action would be to obtain a derogation from Ofgem concerning the change to the tariffs on less than the required period of notice.’*

Company	Confidential/ Anonymous	2. When should the assessment commence, twelve months post migration or twelve months after the M15 milestone? Please provide rationale.	Working Group Comments
UKPN	Non-confidential	We believe that the assessment can be completed within 12 months post migration, which we believe is a realistic period of time, which should go some way to ensuring this will not be impacted by any further changes in relation to the MHHS programme.	12 months post migration.
ENWL	Non-confidential	The assessment should commence twelve months post migration to allow DNOs to generate billing capacity charges where applicable at the earliest opportunity.	12 months post migration.
Confidential	Confidential	No comment	
NGED	Non-confidential	The assessment should begin 12 months post migration when the DNO has 12 month data.	12 months post migration.

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

<p>NPG</p>	<p>Non-confidential</p>	<p>Twelve months after the M15 milestone, assuming this does not prevent distributors beginning their assessment earlier for MPANs which migrated early in the process.</p> <p>Using the M15 milestone will mean that all distributors are using the same dates, which will make it easier for Suppliers/Customers/Consultants to understand when this will happen. Using 12 months post migration means that a lot more tracking would be needed by the Distributor so that they can begin/complete the assessment for each MPAN on time. This would be more complicated for Suppliers and Consultants to track and understand as well.</p>	<p>12 months post M15 milestone</p>
<p>SSEN</p>	<p>Non-confidential</p>	<p>12 months post-migration seems reasonable; however, if the migration is on a phased basis, it will be more straightforward to start after the M15 milestone.</p>	<p>12 months post migration. If phased then after M15.</p>
<p>Shell Energy UK</p>	<p>Non-confidential</p>	<p>We prefer the 2nd option (i.e. twelve months after the MHHS programme's M15 milestone). This would give a clear time scale for customers and the industry participants on when this assessment would be taking place across the industry. Until then, all the customers in this cohort would be staying in technically the same tariff as they are now, which is fair for all customers in the cohort.</p> <p>We also believe it is a much simpler message and clear for customers.</p> <p>We believe this would help DNOs as well, as they would be performing the assessment at a specific time for all the impacted customers in their network rather than across a much wider time window, gradually, driven by</p>	<p>12 months post M15 milestone.</p>

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

		migrations (1 st option). Hence, 2 nd option would give DNOs more time to plan the assessment process.	
SPEN	Non-confidential	Twelve months post migration, in line with Solution A	12 months post migration.
ENC	Non-confidential	We believe the assessment should commence twelve months after the MHHS M15 milestone so that the transition is complete, and all modifications required resulted from the MHHS Programme would be identified by then.	12 months post M15 milestone
Npower Commercial Gas Limited	Non-confidential	We believe that 12 months suffices after the migration date on the basis that this will provide enough HH data to accurately calculate and agree a MIC so ensures a more gradual movement of customers who could move to site specific DUoS charging.	12 months post migration.
BG	Non-confidential	We prefer 12 months after the M15 milestone. This removes any disincentive to migrate to HH settlement early for those sites that may require a MIC greater than 69kVA.	12 months post M15 milestone
SSE Energy Supply Ltd	Non-confidential	To reduce the amount of inconsistencies, the assessment should be 12 months post migration.	12 months post migration.
<p>Working Group Conclusions: Seven respondents stated that window for collating data should be 12 months post migration.</p> <p>Four respondents believed the window should be 12 months post the M15 milestone.</p>			

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

One respondent didn't offer any comment.

12 months post migration was concluded by the Working Group as the assessment period that would be taken forward for both solutions

Company	Confidential/ Anonymous	3. How long should the assessment period last for each option? Please provide rationale.	Working Group Comments
UKPN	Non-confidential	We believe that six months after each option would be sufficient to allow a Customer to agree a suitable capacity for the site.	6 months for each option
ENWL	Non-confidential	For either solution – six months to agree a MIC with a customer, where the assessment is 12 months after migration.	6 months after a 12-month assessment period.
Confidential	Confidential	No comment	
NGED	Non-confidential	The assessment period should ideally be 6 months but this should be an aim as it may not be possible for all sites to be contacted in that time due to large volumes and sometimes customers do not engage.	6 months but headroom to allow for hard to contact customers
NPG	Non-confidential	6 months should be long enough to do all the assessments and contact the customers in either option. This does rely on the Distributor having contact details for the Customer. The D0302 has been mentioned as a source for the Customer contact details, however it is unclear whether DNOs can use this source for this purpose. DCP411 is also looking at the use of the D0302 and has an action to contact the REC to discuss the allowed use of the data items in this flow.	6 months

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

SSEN	Non-confidential	<p>OPTION ONE: 20 months (Twelve months to collect data and then eight months to agree a MIC with customers). Reasonable timeline from an administrative perspective.</p> <p>OPTION TWO: M15 milestone plus six months to complete assessment</p> <p>Has consideration been given to the potential impact on the calculation of TCR banding thresholds which is due to commence next year(?)</p>	<p>Option 1 20 months. 12 months to collect data and 8 months to agree a MIC with the customer.</p> <p>Option 2 M15 milestone plus 6 months.</p>
Shell Energy UK	Non-confidential	<p>Under both options, we believe a 12 months' assessment period would provide the right amount of data to calculate a user's MIC reasonably. Anything less than 12 months may lead to challenges from customers (i.e. saying the assessment is not reflective of their demand over a full year etc) when trying to agree the MIC with them, which may result in delays to the end-to-end process.</p>	12 months for both
SPEN	Non-confidential	<p>SPEN agree with six months to agree a MIC with a customer where the assessment is twelve months after migration.</p>	6 months after a 12-month assessment period.
ENC	Non-confidential	<p>A further 6 months to complete the assessment after the MHHS Programme's M15 milestone.</p>	M15 milestone plus 6 months.
Npower Commercial Gas Limited	Non-confidential	<p>Six months to agree a MIC with a customer where the assessment is twelve months after the migration date for the reason as per our response to Q2.</p>	6 months after a 12-month assessment period.
BG	Non-confidential	<p>The lengths stated in the consultation appear reasonable for each option.</p>	6 Months

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

SSE Energy Supply Ltd	Non-confidential	As suggested within the consultation document, 6 months post migration	6 months
<p>Working Group Conclusions: Nine respondents believed that 6 months should be the length of the assessment period for both options. One respondent believed the assessment window should be 12 months and another respondent didn't offer comment. The response from Shell stated that for option A, the assessment window should be 8 months and for option B it should be 6 months.</p> <p>6 months post assessment period was concluded by the Working Group as the assessment period that would be taken forward for both solutions as the majority stated that this was the preferred window. It was noted that 12 months to collate data and an additional 6 months to agree a MIC is ample time to allow for suitable outcomes for distributors and customers.</p>			

Company	Confidential/ Anonymous	4. Should customers only be moved to a site specific tariff if their calculated capacity is above 69kVA or should it be all customers in line with the current CDCM? Please provide your rationale.	Working Group Comments
UKPN	Non-confidential	All Customers who have CT metering installed should be treated the same. Customers who have CT metering will have a service capacity sized to be able to deliver in excess of 69kVA.	All CT customers should be treated the same
ENWL	Non-confidential	We do not agree that customers with a capacity above 69kVA should be treated differently. After the appropriate assessment period (refer to our response to Q3), it would be appropriate for all customers,	Only customers with a capacity over 69kVA

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

		<p>regardless of kVA to be charged in line with one of the standard half hourly tariffs for half-hourly customers.</p> <p>This would ensure a fair and consistent approach for all customers.</p> <p>It would not be fair or cost reflective if there was a split in the treatment of customer tariffs at 69kVA.</p>	
Confidential	Confidential	No comment	
NGED	Non-confidential	<p>Customers should only be moved to site specific tariff if there calculated capacity is above 69KVA and the DNO has been able to agree a capacity with the customer. Customer seasonality may be an issue as the customer may register 100KVA in winter but 200KVA in summer.</p>	Only customers with a capacity over 69kVA
NPG	Non-confidential	<p>No. There are existing LV, LV Sub and HV HH customers who have capacities less than 69kVA and the option to be moved to an aggregate tariff is not open to them. The boundary for LV Site Specific Band 2 is 80kVA, so 40% of LV HH sites nationwide have <80kVA, a large proportion of which will likely be <69kVA.</p> <p>Distributors allocate LLFCs based on registration data from Suppliers. This would introduce an added complexity to this which seems beyond the remit of Distributors when allocating LLFCs.</p>	No
SSEN	Non-confidential	<p>We agree that customers should only be moved to a site-specific tariff if the calculated capacity is above 69kVA.</p>	Only customers with a capacity over 69kVA

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

Shell Energy UK	Non-confidential	We believe customers should only be moved to a site-specific tariff if their calculated capacity is above 69kVA.	Only customers with a capacity over 69kVA
SPEN	Non-confidential	SPEN believe it should be all customers in line with the current CDCM	
ENC	Non-confidential	<p>We believe it should be all customers.</p> <p>We do not believe that 69kVA should be the capacity threshold that we should base our decision as to why the customers should move to a site specific tariff on as we have not found a sound rational in this consultation. More precisely, this consultation has not clearly demonstrated a better facilitation of the DCUSA Objectives, such as being more cost reflective, reflect developments in the business or better facilitating competition. Secondly, we believe there are many existing CT metered customers with lower capacity connections that are site specific billed and would be impacted by this modification but have not been considered within the legal text of this change proposal. Thus, we do not believe that the 69kVA capacity should be the threshold to focus on when deciding what customers should be affected by this modification.</p>	
Npower Commercial Gas Limited	Non-confidential	<p>We believe this is a sensible approach as and demand requirements above 69 KVA is the break point between a site would require CT connection vs WC.</p> <p>We consider that most of the existing NHH CT metered connected customers do not require booked capacities above this level and in most cases will be significantly lower in 15-30 KVA range, with low levels of consumption. in such cases customers would then become liable for</p>	Only customers with a capacity over 69kVA

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

		capacity charges but would not be able to offset the additional cost against the lower Red/Amber/Green unit rate that is generally in place for LVCT tariffs, in such cases customers would be paying a higher cost in its customer bills than they otherwise would have if they could have remained on the aggregated tariff range.	
BG	Non-confidential	<p>Customers should only be moved to a site specific tariff if their calculated capacity is above 69kVA on the basis that this means they retain the need for a CT connection. Moving customers with capacity's below 69kVA who only have CT meters for legacy reasons will simply create an incentive to change meter. This would be an inefficient use of resource.</p> <p>As per our response to Q.2, we prefer such an assessment to commence 12 months after the M15 milestone.</p>	Only customers with a capacity over 69kVA
SSE Energy Supply Ltd	Non-confidential	We believe there needs to be a consistent approach for all customers, which we also believe will be better for industry	All
<p>Working Group Conclusions: The responses to this question were slightly mixed with six responses favouring only customers with a capacity above 69kVA being moved to a site-specific tariff.</p> <p>Five respondents believed it should be all customers,</p> <p>One respondent didn't offer a comment.</p> <p>The Working Group concluded that the change should be for all CT metered customers as this offered a true transitional approach which is what the proposal is seeking to achieve.</p>			

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

Company	Confidential/ Anonymous	5. Should Domestic customers still retain optionality on whether to be charged on an aggregated basis or a site-specific basis? Please provide your rationale.	Working Group Comments
UKPN	Non-confidential	We believe that all customers regardless of whether domestic or not that have CT metering should be treated on a consistent basis, and so IF CTs are installed then they should be charged on a site specific basis, although the numbers of Domestic Customers who have CT metering installed will likely be extremely small.	No
ENWL	Non-confidential	As this is not a common occurrence, it would make more sense and we recommend DNOs continue to retain the optionality that currently exists for these customers.	Yes
Confidential	Confidential	No comment	
NGED	Non-confidential	P432 concerns Non Domestic customers. Domestic customers with CTs will not migrate at this time.	Domestic customers out of scope.
NPG	Non-confidential	Existing protections for Domestic should remain in place. This feels like it is out of scope for this change.	Domestic customers out of scope.
SSEN	Non-confidential	The optionality should be removed so domestic customers can be charged on a site-specific basis if their capacities exceed 69kVA. This allows for consistency across all tariff categories, should this be the criteria.	No

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

Shell Energy UK	Non-confidential	We do not believe domestic customers should still be given this option. Our view is that, regardless of whether it is a domestic customer or a non-domestic customer, if their calculated capacity is above 69kVA, they should be charged on a site-specific basis, which is fairer for both segments.	No
SPEN	Non-confidential	Yes	Yes
ENC	Non-confidential	We believe the domestic customers should retain the optionality on whether to be charged on an aggregated basis or a site specific basis as we do not believe this change proposal has demonstrated so far why this should be changed.	Yes
Npower Commercial Gas Limited	Non-confidential	No comment	
BG	Non-confidential	We believe the current optionality for Domestic customers needs to be retained.	Yes
SSE Energy Supply Ltd	Non-confidential	Where optional processes are put in place, we believe this could cause complications with billing and therefore all customers should be charged the same whether domestic or I&C.	No
<p>Working Group Conclusions: Most respondent (Six)s said domestic customer should retain the optionality.</p> <p>Four respondents stated domestic customers should not retain the optionality on whether to be charged on an aggregated basis or a site-specific basis.</p>			

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

2 others didn't offer a comment.

Two respondents who believed domestic customers should retain optionality stated that domestic customers were out of scope for this change.

The Working Group concluded that a decision on this topic wasn't required at this stage as P432 includes domestic customers, however a new DCP would need to be raised for a new capacity charge to be created for domestic in the future. It was noted that the DUoS SCR changes could incorporate domestic site specific charging.

Company	Confidential/ Anonymous	6. Which of the two Solutions do you prefer, Solution A or Solution B? Please provide your rationale	Working Group Comments
UKPN	Non-confidential	Solution A would be our preference, it is more straightforward to implement and can be delivered quicker than solution B (due to solution Bs likely need for a derogation and the republishing of tariffs for new LLFCs needed for that option). Solution A was also broadly utilised for P272 and worked. It is important that the correct and appropriate communication with the customers impacted does take place, along with the agreement to backdate a capacity for customers where that's necessary for 12 months should remove any view that customers would be overcharged. In addition at the end of the migration of all impacted sites, there is also no need to remove tariffs / LLFCs from existence which would be the case if solution B was taken forward.	A
ENWL	Non-confidential	We prefer Solution A as it is more efficient to implement and ensures a fair and consistent approach across all customers.	A

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

Confidential	Confidential	Solution A - as this worked for P272, we believe this would be the easier option to process and for customers to understand.	A
NGED	Non-confidential	Solution B as this protects the customer. Solution A does not.	B
NPG	Non-confidential	<p>Solution B, although excluding the 69kVA limit.</p> <p>This solution is cleaner for Customers, Suppliers, Consultants and Distributors.</p> <p>Solution B also has greater protection for customer against inappropriate capacity charges than Solution A as it applies the current tariffs for the 12 month transition period and therefore the Customers do not incur any inappropriate capacity charges.</p> <p>PSA table which we used in making this decision.</p>	B but all moving to site specific after migration.
SSEN	Non-confidential	Solution B. This is a feasible alternative that ensures the protection of customers by eliminating the need to derive a default MIC and then subsequently 'true up' the value. We also agree that this will reduce the propensity for reverse migration.	B
Shell Energy UK	Non-confidential	As per the points we raised at our 2 nd consultation response, we do not believe solution A would deliver the targeted objectives of this modification as this solution could still potentially result in retrospective billing by DNOs. This approach could result in customers receiving unexpected retrospective charges. This uncertainty has been introduced by a regulatory change rather than a change in customers' underlying behaviours.	B

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

		<p>We believe that solution B is a much fairer way to treat this cohort of customers who would be moving to HH settlement due to market wide regulatory changes. We believe solution B provides the “Transitional Protection for NHH CT customers affected by regulatory change”. Solution A does not.</p> <p>Under the topic of ‘communications’, both solutions have the same approach (i.e. Supplier led communication followed up by Distributor). It is worth noting that, whilst suppliers would be leading the initial comms to their impacted customers, DNOs should hold the responsibility to calculate and agree the MIC with the customer. Therefore, we propose that DNOs provide key points (e.g. : High-level reason for change, a simple step by step process guide, DNOs contact details etc) to each supplier, so that they could include those key points in their initial comms to customers. This way every customer will be provided with the same key points regardless of which supplier they are with (i.e. the communications to customers will be consistent). Also, it would improve the consistency between supplier comms and DNOs’ conversation/s with the customer. Overall, we believe it would be a better experience for the customer.</p>	
SPEN	Non-confidential	Solution A.	A
ENC	Non-confidential	We prefer Solution A as we believe the resulted impact on the distributors from Solution B is unclear. The Measurement Class is currently being used in order to identify the type of metering it is required at a site, which would in turn help identify the tariff to the customer. However, based on this change proposal, it appears that Solution B would permit a CT meter to be site	A

DCP 414 ‘Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

		specific billed as well as aggregate billed. We anticipate this would bring a lot of confusion when attempting to identify which CT sites would require aggregate billed and which sites would be billed as site specific.	
Npower Commercial Gas Limited	Non-confidential	<p>Solution B.</p> <p>This offers much greater customer protection for the movement of CT connected customers between NHH-HH similar to those that have been developed and implemented over the course of the last few years culminating in DUoS tariff simplification that was delivered in 2021 via DCP 268 “DUoS Charging Using HH settlement data” by extending the same arrangements to customers who would otherwise see an impact by moving from aggregated to site specific data.</p>	B
BG	Non-confidential	<p>Solution B is a much better solution in our view, particularly when combined with the later assessment period (M15). This maintains current tariffs and structures during migration to HH and maintains them until the full transition is complete. This removes any disincentive to migrate early resulting from a step change in DUoS charges.</p> <p>For some larger customers, it could be viewed as meaning they are not on an appropriate tariff for an interim period, but in practical terms we consider those are the customers that would seek to delay migrating under the counterfactual of being moved to a tariff that results in a material increase in DUoS costs. Therefore, for these customers continuing with the current tariff structure under Option B does not change the tariff they would otherwise be on, but does make it much more likely that they will accept the early migration to HH settlement.</p>	B

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

SSE Energy Supply Ltd	Non-confidential	We believe Solution A would provide consistency across the CT sector which in turn will ensure there are less complications and will be simpler to achieve.	A
<p>Working Group Conclusions: 6 Respondents supported solution A and 6 supported solution B.</p> <p>There was also a 4 all tie within the Working Group when voting on which of the two options preferred.</p> <p>Benefits to solution A are that its consistent with what happened previously with P272 and may be easier for customers to understand.</p> <p>Benefits to solution B were noted as offers protection to customers as they would remain on the same tariff, and it would negate the potential for reverse migration.</p> <p>The Working Groups conclusion were as a 50/50 tie within both the consultation responses and within the Working Group, both solutions would be taken forwards for voting.</p>			

Company	Confidential/ Anonymous	7. Is there anything in either Solution that would be an improvement to the other Solution? Please provide your rationale.	Working Group Comments
UKPN	Non-confidential	Please refer to our response to Q6, where we have identified a number of areas where solution A would be better than solution B, however we cannot think of anywhere solution B is better than solution A.	Nothing in B that could improve A. Highlighted in their response to question 6 a number of areas where A is a better solution than B, easier to implement, done before etc.

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

ENWL	Non-confidential	In the event customers are moved to a site-specific tariff if their calculated capacity is above 69kVA, Solution B would benefit from the inclusion of the criteria to move to site specific tariffs for all sites, including those under 69kVA.	Believes within solution B should include the criteria to move all customers to site specific billing, including those under 69kVA
Confidential	Confidential	No comment	Noted
NGED	Non-confidential	No	Noted
NPG	Non-confidential	We believe the M15 milestone should be used as the start of the assessment period for both options. We believe the 69kVA limit should not be used in either option.	Believes M15 should be used as the starting point for both options. Also believes within solution B should include the criteria to move all customers to site specific billing, including those under 69kVA.
SSEN	Non-confidential	The 69kVA threshold should also be considered in Solution A.	States that the 69 kVA threshold should be used for both solutions.
Shell Energy UK	Non-confidential	No, we do not agree that solution A should be considered.	Noted
SPEN	Non-confidential	No comment	Noted

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

ENC	Non-confidential	We do not believe that either Solution has been demonstrated to be any more efficient or, as described in this question, an 'improvement' in comparison to the other one.	Noted
Npower Commercial Gas Limited	Non-confidential	We are not aware of anything that would improve either solution options over and above what has been developed.	Noted
BG	Non-confidential	<p>We have some concerns remaining for Solution A:</p> <ol style="list-style-type: none"> 1. There doesn't seem to be an obligation on DNOs to proactively engage with the customer to seek to agree an appropriate MIC during the assessment period. Our reading of the legal text is that customers and DNOs <i>may</i> agree a MIC during the initial 12 months post migration, but there is no obligation on the DNO to take proactive action to do so and so the onus could be left to customers who will have little understanding of the process (despite communication from suppliers). This seems like an oversight and could lead to poor customer experiences and outcomes. We believe Clause 19.15 should oblige DNOs to engage with the customers to agree a formal MIC before resorting to determining and informing customers of the MIC. 2. We remain concerned that retrospective application of changes to MICs could lead to retrospective increases in charges. This cannot be viewed as 'protection' and will also lead to poor customer experiences and outcomes as well as higher supplier risk premiums. Paragraph 181 of Part 4 of the legal text suggests any formally agreed MIC will always be backdated to date of migration, whilst 	<p>Raises two points, 1 that there doesn't appear to be anything that obligates DNOs to proactively engage with customer to agree an appropriate MIC.</p> <p>The second point is a concern raised around the retrospective application of charges. The responder also noted that there isn't any reference as to when these charges could be backdated to.</p>

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

		paragraph 184 (b) is ambiguous as to when the increase in MIC will take affect and whether this can result in a retrospective increase in charges.	
SSE Energy Supply Ltd	Non-confidential	No, we do not believe so	Noted
<p>Working Group Conclusions: Seven respondents stated neither solution had anything that would benefit the other.</p> <p>Two respondents believed that the 69Kva threshold should be removed for both solutions.</p> <p>One response stated that the 69Kva threshold should be used for both solutions.</p> <p>One responder noted that there isn't an obligation on DNOs to proactively engage with customers. The Work Group concluded that changes within P272 cater for this as customers must specify their capacity and that it would be difficult for DNO's to engage without the 12 months' worth of data. This wouldn't stop customers engaging sooner if they wanted too however this may be unlikely.</p> <p>The same responder to the above concern also raised a second concern raised around the retrospective application of charges. The responder also noted that there isn't any reference as to when these charges could be backdated to. The Working Group agreed and updated this clause within the legal text to provide clarity as to when the increase in MIC would take effect.</p>			

Company	Confidential/Anonymous	8. Do you consider that Solution A better facilitates the DCUSA objectives? Please give supporting reasons.	Working Group Comments
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DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

UK PN	Non-confidential	Yes, we would agree with the proposer and working group that DCUSA General Objective 2 and Charging Objectives 2, 3 and 4 are better facilitated by Solution A for the reasons stated in the consultation document.	General objective 2 and charging objectives 2,3 and 4.
ENWL	Non-confidential	Yes we agree Solution A better facilitates DCUSA General objectives 2 and 4 as it is more efficient to implement and ensures a fair and consistent approach across all customers.	General objectives 2 and 4
Confidential	Confidential	Yes, as the change will ensure that there's consistency and all customers will be treated fairly, allowing them to raise issues/concerns with DNO if needed.	Noted
NGED	Non-confidential	Positive effect on DCUSA Charging Objective 2 and DCUSA general objective 2 and negative effect on DCUSA Charging Objective 3 and DCUSA General Objective 1 (Just deeming a generic capacity for sites is not cost reflective or an efficient way of running the network).	Charging objective 2 and general objective 2 positively impacted. Charging objective 3 and general objective 1 negatively impacted.
NPG	Non-confidential	General Objective Two: is better facilitated for the reasons outlined in the consultation. Charging Objective Two: is better facilitated for the reasons outlined in the consultation. Charging Objective Three: is better facilitated for the reasons outlined in the consultation.	General objective 2 and charging objectives 2,3 and 4 are better facilitated.

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

		Charging Objective Four: is better facilitated for the reasons outlined in the consultation.	
SSEN	Non-confidential	Provided a reasonable timeline is afforded to engage with customers, we maintain our position with respect to a consistent approach being taken to cater for all customers impacted by P432/MHHS TOM (general objective 2).	General objective 2
Shell Energy UK	Non-confidential	We do not believe that solution A better facilitates DCUSA objectives. Customers who will receive increased cost as a result of this would be less likely to migrate ahead of time. In terms of competition, they may therefore look to stay/move to a supplier who is slow to migrate.	None
SPEN	Non-confidential	Yes SPEN considers that Solution A better facilitates the DCUSA objectives	
ENC	Non-confidential	Yes	
Npower Commercial Gas Limited	Non-confidential	We believe that DCUSA objectives are better facilitated by either solutions as per the updated proposer views in the consultation document.	Agrees with the proposers view
BG	Non-confidential	Not in its current form. There remains a risk of retrospective increases in charges and so we consider the change to be negative against charging and general objective (2). The change creates risk to suppliers entering longer term contracts with customers that costs could increase materially during the contract term	Negative for charging objective 2 and 3. Negative for general objective 2

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

		<p>when the site is migrated to HH. This risk will need to be factored into contracts, which is a poor outcome for customers and which doesn't facilitate effective competition or suppliers will delay migration. Also, as currently drafted, the retrospective application of the MIC could apply even if this resulted in an increase in cost. This is a poor customer outcome and could also result in unrecoverable costs for suppliers if the customer has changed supply and so is another negative impact on competition.</p> <p>To the extent that capacity based charge structure may be deemed to be more cost reflective – that is only the case if the tariffs are based on the load characteristics of the customers they are applied to. The underlying tariffs for charging years 2023/24 and 2024/25 have been set on the basis that these customers will be charged on the aggregated tariff structure. Therefore, the published CT HH tariffs have not been derived in a way which incorporates the load profiles and characteristics associated with these customers. Given PC01-04 CT customers would make up ~25% of the LV CT population, it is highly unlikely that the current published LV CT tariffs will be cost reflective for the PC01-04 CT customers migrating to them. Therefore, we consider the change to be negative against charging objective (3).</p>	
SSE Energy Supply Ltd	Non-confidential	Yes, as noted within the consultation document solution A achieves competition in supply.	
<p>Working Group Conclusions: Seven respondents stated General objective 2 was better facilitated, five stated charging objective 2 was better facilitated, four believe charging objective 3 is better facilitated and four believe general objective 4 is better facilitated.</p> <p>One response stated that no objectives are better facilitated by solution 2.</p>			

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

One respondents believe that charging objective 2 was negatively impacted, two stated charging objective 3 was also negatively impacted and another response stated that general options 1 and 2 were negatively impacted.

Company	Confidential/ Anonymous	9. Do you consider that Solution B better facilitates the DCUSA objectives? Please give supporting reasons	
UKPN	Non-confidential	We also believe that Solution B will better facilitate DCUSA General Objective 2 and Charging Objectives 2, 3 and 4, although as expressed elsewhere in the response we have concerns that it will take longer to implement with greater overall costs (mainly in time) to implement, but both options would better facilitate the same objectives.	General objective 2 and charging objectives 2,3 and 4 but would take more time and costs to implement than solution A
ENWL	Non-confidential	We do not agree that Solution B will better facilitate the Charging Objectives as set out in the consultation document.	Disagrees with the con doc that the charging objectives are better facilitated.
Confidential	Confidential	No comment	
NGED	Non-confidential	Positive effect on DCUSA Charging Objective 2 and 3 and DCUSA general objective 2	Charging objective 2 and 3 and general objective 2 better facilitated.
NPG	Non-confidential	General Objective Two: is better facilitated for the reasons outlined in the consultation.	General objective 2 and charging objectives 2,3 and 4 are better facilitated.

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

		<p>Charging Objective Two: is better facilitated for the reasons outlined in the consultation.</p> <p>Charging Objective Three: is better facilitated for the reasons outlined in the consultation.</p> <p>Charging Objective Four: is better facilitated as it ensures all DNOs apply a common approach when dealing with customers affected by P432 when they seek to actively agree an enduring MIC.</p>	
SSEN	Non-confidential	<p>Solution B better facilitates charging objectives 2 and 3 for the same reason as Solution A.</p> <p>Charging Objective 6: Affords seamless transition that is easily actionable and reduces administrative burden.</p>	Charging objective 2,3 and 6.
Shell Energy UK	Non-confidential	Yes, every customer in this cohort is treated the same way until the last customer is migrated.	
SPEN	Non-confidential	Yes	
ENC	Non-confidential	No, do not believe that it has been demonstrated that the Solution B better facilitates any of the DCUSA Objectives as we have not seen any clear evidence of this change proposal better facilitating effective competition, cost reflectivity or demonstrating undue discrimination.	None

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

Npower Commercial Gas Limited	Non-confidential	See response to Q8.	
BG	Non-confidential	<p>Yes</p> <p>By maintaining the current charging structure during the migration to HH settlement, Solution B will facilitate charging objective (2) by removing the DUoS risks associated with the need for customers to migrate to HH settlement.</p> <p>The applicable tariffs are also those which the DNOs assumed these customers were on when they calculated tariffs for 2023/24 and 2024/25 and so are the most cost reflective to keep them on post migration. This better facilitates charging objective (3).</p>	Charging objective 2 and 3 better facilitated.
SSE Energy Supply Ltd	Non-confidential	No, as solution A achieves competition of supply, we do not believe solution B will as this will put some at a disadvantage, as customers will still have to pay demand if they were changed under P272.	None
<p>Working Group Conclusions: Four respondents stated that general objective 2 was better facilitated.</p> <p>Six believed charging objectives 2 and 3 were better facilitated.</p> <p>Three believed that charging objective 4 is better facilitated and one stated charging objective 6 was better facilitated.</p>			

Company	Confidential/ Anonymous	10. What date do you believe this change proposal should be implemented for Solution A? Please provide rationale	Working Group Comments
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DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

UKPN	Non-confidential	We believe that solution A could be implemented within five days following implementation, as this solution in the first instance would only require suitable communication from their appointed Supplier, and the DNO to set up these sites as they are migrated.	The respondent confirmed they meant 5 days following authority approval at the working group.
ENWL	Non-confidential	Solution A should be implemented prior to the start of MHHS migration; whilst solution A could be implemented with the default MIC relatively quickly, there is currently no facility within DURABILL to upload these default values in bulk. St Clements Services has provided options as to how this could be done with a system upgrade. As with all system changes, a minimum of six months following Authority approval would be required as appropriate. The implementation date for DCP 414 should account and allow for Authority consent.	6 months post authority approval due to system changes
Confidential	Confidential	No comment	
NGED	Non-confidential	If this was implemented, then it will have to be implemented by the time of migration including communication to customers.	
NPG	Non-confidential	Agree that 5 working days after Authority approval is appropriate. No changes to the CDCM or LC14 are needed so implementation can happen immediately.	5 working days post authority approval.
SSEN	Non-confidential	We maintain our preference circa April 2025; however, we are open to the proposed June 2023 date to align with P432 implementation.	Prefer April 2025 but open to June 2023.

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

Shell Energy UK	Non-confidential	n/a – We do not support option A as a solution.	
SPEN	Non-confidential	Five working days after Authority approval.	5 working days post authority approval.
ENC	Non-confidential	We agree that Solution A could be implemented 5 working days after the Authority's approval.	5 working days post authority approval.
Npower Commercial Gas Limited	Non-confidential	We believe that solution A lends itself better to an earlier implementation date on the basis that this does not have any potential to require an Ofgem derogation, due to no changes to the tariffs. Subject to the Ofgem Modification final decision timeline solution A could be implemented in June 23, but is more likely to be facilitated on a special release to align with the P432 +3 months after the Ofgem approval decision is made.	June 2023 or special release to align with P432 plus 3 months.
BG	Non-confidential	As soon as reasonably practicable for Solution A but given the new obligations being introduced for migrations, there should be a lead time of 3 months to allow processes to be set up by suppliers and DNOs.	3-month lead time
SSE Energy Supply Ltd	Non-confidential	The only achievable date for this solution, if agreed would need to be tied in with MHHS and P432. This proposal would need to be reviewed in line with the rebaseline of the MHHS and the determination of the full migration of MHHS.	
Working Group Conclusions: Four respondents supported 5 working days following authority approval,			

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

One stated 6 months, another 3 months, and another April 2025.

One respondent stated they didn't support the solution so didn't support any implementation date.

2 stated June 2023 could be achievable.

Based on the responses and system change limitations 01 April 2024 was concluded as the best date after discussing within the Working Group due to the system changes mentioned by several DNOs. This date would be in line with the regular DCUSA release for April 2024 as well. It was noted the voting period would last 3 weeks, then the authority would have to make a decision so if a decision was made around September, this would be mean an additional 6 months for the system changes. It was also noted a number of distributors had changed their billing systems since P272.

Company	Confidential/ Anonymous	11. What date do you believe this change proposal should be implemented for Solution B? Please provide rationale	Working Group Comments
UK PN	Non-confidential	We believe that with the need for a derogation to publish a revised LC14 statement along with new LLFCs for all DNOs and iDNOs, we believe that this would need at least six months as a minimum from implementation to put the appropriate arrangements in place.	Minimum of 6 months
ENWL	Non-confidential	Solution B should be implemented a minimum of 9 months following Authority consent. It is worth noting that where DUoS charges could be impacted by a change there is a requirement for any implementation date to account for the 15-month period for publication of the SLC14 statement or this could trigger DNOs requiring to seek a DNO SLC14 derogation.	Minimum 9 months post authority consent.

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

Confidential	Confidential	No comment	
NGED	Non-confidential	Solution B does not change tariffs for customers but introduces a new group on the same tariff. Therefore there is no material effect on the 15 month notice period to suppliers.	
NPG	Non-confidential	<p>This depends on the lead in time for changes to the CDCM/EDCM and LC14, including derogation from Ofgem and form approval of the revised LC14.</p> <p>It should be implemented at the earliest date by which these are achievable.</p> <p>Implementation also requires new LLFCs to be opened in MDD which has an associated lead in time. It would be easier for other parties if all DNOs had the new LLFCs with the same start date in MDD so the other parties would know when they could utilise the new LLFCs. We believe this is what happened in 2015/16 for the P300 implementation.</p>	As earlier as possible
SSEN	Non-confidential	November 2023 – as long as we can get the revised models and updated DCUSA schedule in time.	November 2023
Shell Energy UK	Non-confidential	We agree that the original implementation date of June-2023 is no longer feasible. We support the proposed new implementation date of November 2023.	November 2023
SPEN	Non-confidential	November 2023 as detailed in the consultation.	November 2023

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

ENC	Non-confidential	<p>We do not encourage the implementation of Solution B, however, should Solution B be chosen for implementation, we believe that November 2023 would be too soon in case the changes necessary in order identify what customers to be affected by this change proposal would require the creation of new LLFCs, which, as you probably are aware, would need more time.</p> <p>As there is not enough information regarding what this change would involve, we are not able to assess and estimate what would be an appropriate implementation date for Solution B.</p>	Doesn't support B but if implemented November 2023 is too soon.
Npower Commercial Gas Limited	Non-confidential	<p>We suspect that Solution B will require a later implementation due to the potential for derogation against the tariff publication notice period, if this is required the derogation would still require a 40-day notice period to be served before the tariff name changes could take effect, after Ofgem have granted such a derogation in addition to the lead time for P432 to take effect.</p> <p>As such we believe the November 23 is the earliest date that this change could be implemented.</p>	November 2023
BG	Non-confidential	As soon as reasonably practicable for Solution B but given the need for new LLF Classes the proposed November 2023 seems reasonable.	November 2023
SSE Energy Supply Ltd	Non-confidential	The only achievable date for this solution, if agreed would need to be tied in with MHHS and P432. This proposal would need to be reviewed in line with the rebaseline of the MHHS and the determination of the full migration of MHHS.	

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

Working Group Conclusions: Six respondents favoured an implementation date of November 2023.

One stated 9 months following authority approval.

One stated 6 months following authority approval.

One stated as soon as possible.

One stated the implementation date should be in line with the MHHS programme.

Two respondents didn't state a preference.

Based on the feedback from Q10 the working group concluded April 2024 is the most suitable implementation date.

Company	Confidential/ Anonymous	12. Do you have any comments on the draft legal text for Solution A?	Working Group Comments
UK PN	Non-confidential	No not at this time.	Noted
ENWL	Non-confidential	None	Noted
Confidential	Confidential	No comment	Noted
NGED	Non-confidential	No	Noted
NPG	Non-confidential	Clause 184 (b) is a little unclear:	Stated that clause 184(b) is unclear.

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

		<p><i>"if greater than the default MIC, from a date within the twelve month period that the appropriate MIC should be applied"</i></p> <p>The use of "a date" makes this ambiguous. Suggests that this could be any date in the twelve month period, arbitrarily chosen by the distributor.</p>	
SSEN	Non-confidential	No comments	Noted
Shell Energy UK	Non-confidential	N/A	Noted
SPEN	Non-confidential	No comments	Noted
ENC	Non-confidential	N/A	Noted
Npower Commercial Gas Limited	Non-confidential	No additional comments.	Noted
BG	Non-confidential	<p>19.14 C states 'migration date', suggest this is changed to 'expected migration date' to allow for reasonable changes to dates.</p> <p>19.14 D includes a requirement for Suppliers to communicate MICs to customers. For these customers Suppliers will not be aware of any existing MIC and so this is not something they can communicate to customers. Suppliers should only be required to inform customers of the Default value</p>	Noted and legal text updated accordingly

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

		that DNOs will use if no formal MIC is currently in place, provided such Default Values are published by the DNOs.	
SSE Energy Supply Ltd	Non-confidential	No comments at this time.	Noted
<p>Working Group Conclusions: Ten respondents offered no further comment.</p> <p>One respondent stated that Clause 184 (b) was a little unclear as the use of the term date was ambiguous. The Working Group agreed and updated this clause within the legal text to provide clarity as to when the increase in MIC would take effect.</p> <p>Another respondent suggested changing migration date to expected migration date, so the text allowed for reasonable changes to the migration dates. The Working Group agree and the updated the legal text accordingly.</p> <p>The same respondent also stated that the requirement for suppliers to communicate the MIC to customers but sometimes suppliers would not be aware of MIC so they wouldn't be able to communicate this. The Working Group agreed and added "if known" to the legal text for solution A.</p>			

Company	Confidential/ Anonymous	13. Do you have any comments on the draft legal text for Solution B?	Working Group Comments
UJPN	Non-confidential	No not at this time.	Noted
ENWL	Non-confidential	None	Noted
Confidential	Confidential	No comment	Noted

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

NGED	Non-confidential	No	Noted
NPG	Non-confidential	<p>19.16 the reference for contact details should be 19.14 not 19.13. Also don't think 19.16 actually makes sense. Replace "and" with "of"? ie</p> <p>"When the assessment under Part 4 of the CDCM has been completed, the DNO/IDNO Party shall inform the Customer, using the contact details provided under 19.1413, and of the rights the Customer has under the National Terms of Connection should it include the need to agree a Maximum Import Capacity."</p> <p>Schedule 16. Paragraph 80. Inconsistency in wording. Replace "that have Measurement Class C or E" with "in Measurement Class C or E".</p> <p>Schedule 16. Paragraph 184. The definition of MHHS M15 milestone has "Full Transition" and "Complete" capitalised, but these are not defined terms in the DCUSA.</p> <p>Is the change to Schedule 32 needed for Solution B?</p>	<p>Highlighted a paragraph error which was corrected in 19.16.</p> <p>Highlighted a typographical error to replace and with of.</p> <p>Similar typographical error within paragraph 80 which was corrected.</p> <p>Also highlighted some words that are capsulised that shouldn't be so these were updated.</p> <p>Also highlighted the text for schedule 32 wasn't needed for solution B so needs removing.</p>
SSEN	Non-confidential	No comments	
Shell Energy UK	Non-confidential	N/A	

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

SPEN	Non-confidential	No comments	
ENC	Non-confidential	We believe that it is currently unclear what the resulted impacts from these changes would be on the distributors. As the Measurement Class is currently used to identify the metering type for a site, and therefore the tariff to the customer, potentially allowing a CT meter to be both site specific billed and aggregate billed would bring confusion when attempting to identify whether a CT site would be aggregate billed or site specific billed.	States that using measurement classes could be confusing.
Npower Commercial Gas Limited	Non-confidential	No additional comments.	
BG	Non-confidential	19.14 C states 'migration date', suggest this is changed to 'expected migration date' to allow for reasonable changes to dates. The table on page 37 of legal text appears to state that the site specific 'Domestic Aggregated or CT' tariff and the site specific 'Non-Domestic Aggregated or CT' tariffs apply to "Current Transformer (Above 69 kVA)". We think these tariffs should apply to current transformer metering <u>below 69kVA</u> (or actually below 70kVa if above 69 kVA is the threshold to move to capacity based charging).	Highlighted the same point raised in question 12 that migration date needed changing to expected migration date to allow for reasonable changes to the dates. Noted the table on page 37 should state Below 70kVA
SSE Energy Supply Ltd	Non-confidential	No comments at this time.	
Working Groups Conclusions. One respondent highlighted some typographical errors that were corrected.			

DCP 414 'Transitional Protection for NHH CT Customers affected by regulatory change.

COLLATED CONSULTATION 3 RESPONSES WITH WORKING GROUP COMMENTS

The same responder also highlighted the text for schedule 32 wasn't needed for solution B so needs removing. The Working Group agreed so this text was removed from solution B.

One Respondent believed that the process could cause confusion as it would be difficult to ascertain which CT metered customers would be site specific billed and which ones which ones would be on aggregated billing. It was noted within the Working Group that the new LLFCs that would be created as part of solution B could be used to differentiate between site specific billed sites and aggregated billed sites.

One respondent raised the same point they did for question 12 in that 'migration date' needed changing to "expected migration date" The Working Group again agreed, and the legal text updated.

The same respondent also believed that the table on page 37 should state Below 70kVA. The Working Group agreed and the legal text was updated accordingly.