

DCP 417: 'Ability for the DCUSA Secretariat to Raise Change Proposals'

Proposed Legal Drafting

9. CHANGE CONTROL

- 9.1 The purpose of this Section 1C is to make provision for the terms and conditions of this Agreement to be varied.
- 9.2 No variation of this Agreement may be made or may have effect unless it is made in accordance with the provisions of this Section 1C.
- 9.3 For the purposes of this Section, all actual or potential provisions of this Agreement shall be deemed to have the status of either a Part 1 Matter or a Part 2 Matter.

Part 1 Matters

- 9.4 Any actual or potential provision of this Agreement shall be deemed to have the status of a Part 1 Matter to the extent that it satisfies one or more of the following criteria:
- 9.4.1 it is likely to have a significant impact on the interests of electricity consumers;
- 9.4.2 it is likely to have a significant impact on competition in one or more of:
- (A) the generation of electricity;
 - (B) the distribution of electricity;
 - (C) the supply of electricity; and
 - (D) any commercial activities connected with the generation, distribution or supply of electricity;
- 9.4.3 it is likely to discriminate in its effects between one Party (or class of Parties) and another Party (or class of Parties);
- 9.4.4 it is directly related to the safety or security of the Distribution Network; and
- 9.4.5 it concerns the governance or the change control arrangements applying to this Agreement; and

9.4.6 it has been raised by the Authority, or a DNO/IDNO Party or the Secretariat pursuant to Clause 10.2.5, and/or the Authority has made one or more directions in relation to it in accordance with Clause 11.9A.

10. CHANGE PROPOSALS

10.1 Each variation of this Agreement must commence with a proposal made in accordance with the provisions of this Clause 10 (a **Change Proposal**).

Persons Entitled to Propose

10.2 A Change Proposal may be made by any of the following:

10.2.1 a Party;

10.2.2 the Consumer Body;

10.2.3 the National Electricity Transmission System Operator;

10.2.4 any person or body that may from time to time be designated in writing by the Authority for the purpose of this Clause 10.2 (which may include, in respect of a Charging Methodology, any person whose interests are materially affected by that Charging Methodology); ~~and~~

10.2.5 the Authority, or a DNO/IDNO Party or the Secretariat acting at the direction of the Authority (in each case only in relation to Authority Change Proposals); ~~and~~

10.2.6 the Secretariat.

10.2A. Any Change Proposal submitted by the Secretariat must, as far as can reasonably be determined by the Secretariat, better facilitate the achievement of the DCUSA Objectives than if the proposed variation were not made and not cause undue discrimination between the Parties or any classes of Party.