

DCUSA DCP 431 Change Declaration

Voting end date: 5pm, 16 January 2024

DCP 405	WEIGHTED VOTING					
	DNO	IDNO	SUPPLIER	SAFE ISOLATION PROVIDER	CVA REGISTRANT	GAS SUPPLIER
CHANGE SOLUTION	Reject	Reject	Accept	Accept	No Votes Received	No Votes Received
IMPLEMENTATION DATE	Accept	Reject	Accept	Accept	No Votes Received	No Votes Received
RECOMMENDATION	<p>Change Solution – Reject</p> <p>For the majority of the Party Categories that were eligible to vote:</p> <ul style="list-style-type: none"> the number of groups in each Party Category which voted to accept the proposed variation was less than 65% of the total number of Groups in that Party Category which voted; and the sum of the Weighted Votes of the Groups in each Party Category which voted to accept the proposed variation was less than 65%. <p>Implementation Date – Accept</p> <p>For the majority of the Party Categories that were eligible to vote:</p> <ul style="list-style-type: none"> the number of groups in each Party Category which voted to accept the implementation date was more than 65% of the total number of groups in that Party Category which voted; and the sum of the Weighted Votes of the Groups in each Party Category which voted to accept the implementation date was more than 65%. 					
PART ONE / PART TWO	Part Two – Authority Decision Not Required					

PARTY	SOLUTION (A / R)	IMPLEMENTATION DATE (A / R)	WHICH DCUSA OBJECTIVE(S) IS BETTER FACILITATED?	COMMENTS
DNO PARTIES				
London Power Networks	Accept	Accept	We believe that DCUSA General Objective 4 is better facilitated by this change as it would allow a clean transfer of rights and obligations between entities where necessary.	<p>It is vital that where a license is transferred, the responsibilities and obligations are also fully transferred, via a novation, to avoid any obligations/liabilities not being carried forward and being left with a withdrawing party.</p> <p>This is vital within the context of DCUSA especially where the Licence and BSC are being novated to a new entity, in order to ensure full continuity and consistency.</p>
Eastern Power Networks	Accept	Accept		
South Eastern Power Networks	Accept	Accept		
National Grid Electricity Distribution (East Midlands) plc	Reject	Accept	N/A	See attached observations from ENWL which we concur with.
National Grid Electricity Distribution (West Midlands) plc	Reject	Accept		
National Grid Electricity Distribution (South Wales) plc	Reject	Accept		
National Grid Electricity Distribution (South West) plc	Reject	Accept		
Electricity North West	Reject	Reject	Although we do believe there could potentially be some efficiencies which would better facilitate	We consider that this change should have been a Part 1 Matter for the Authority to make a final

Limited			<p>General Objective 4, we have a concern with DCP 431 being a Part 2 Matter. As many supply businesses have failed in recent years, we feel that there should be scrutiny by the Authority where any Party is novating all rights and obligations to another Party, to provide some protection to customers. We also believe more specifically that the legal drafting of this proposal has some weaknesses which could undermine the potential efficiencies. Consequently, we have rejected the solution.</p>	<p>determination, as:</p> <ul style="list-style-type: none"> it is likely to have a significant impact on competition in one or more of: <ul style="list-style-type: none"> the generation of electricity; the distribution of electricity; the supply of electricity; and any commercial activities connected with the generation, distribution or supply of electricity; it concerns the governance or the change control arrangements applying to the DCUSA. <p>In addition there are some specific weaknesses with the proposal:</p> <p>> We infer from 3.1 of the proposal that a supplier or generator case prompted the Mod proposal. However as drafted DCP431 could apply to any DCUSA Party. QUESTION: was the proposal intended to be limited to suppliers & generators only and if so are there unintended consequences of it applying to SIP, IDNO, etc</p> <p>> There are no approval criterion for a Party novating their rights and obligations to another entity? (and noting that some parties are required to be licensed, whilst others are not). QUESTION: ENWL consider there is inadequate control over novation</p> <p>> The current drafting contains a potential logical inconsistency proposing "Panel must not approve novation to a transferee entity which is not eligible to accede to this Agreement in the Party Category(ies) of the transferring Party." No existing DCUSA Party would meet this criterion (ref DCUSA Clause 4.2.1) so ENWL propose that the legal text is amended to read "Panel must not approve novation to a transferee entity which is not, or, if not yet a Party, would not be, eligible under 57.8 to add the Party Category(ies) of the transferring Party to its existing, or anticipated, Accession"</p>
Northern	Accept	Accept	We agree with the Proposer that DCUSA Objective	N/A

Powergrid (Northeast) PLC			4 is better facilitated by this Change and for the reasons outline by the Proposer in 5.3 of the Change Report.	
Northern Powergrid (Yorkshire) PLC	Accept	Accept		
IDNO PARTIES				
BUUK	Reject	Reject	N/A	<p>We share industry concerns about the lack of Authority scrutiny proposed both for this change proposal and for the proposed novation process. Given the recent failings of multiple supply businesses, we feel it would be appropriate for the Authority to have oversight of novating rights and obligations to other parties, in order to provide a measure of consumer protection. We feel that this meets the following criteria for a Part 1 Matter:</p> <ul style="list-style-type: none">it is likely to have a significant impact on competition in one or more of:<ul style="list-style-type: none">the generation of electricity;the distribution of electricity;the supply of electricity; andany commercial activities connected with the generation, distribution or supply of electricity;it concerns the governance or the change control arrangements applying to the DCUSA
SUPPLIER PARTIES				
EDF Energy Customers Limited	Accept	Accept	DCUSA General Objectives 4. The promotion of efficiency in the implementation and administration of this Agreement and the arrangements under it.	N/A
SAFE ISOLATION PROVIDER PARTIES				
E.ON Energy Services Ltd.	Accept	Accept	General objectives 2, 3 & 4	N/A