

DCP 417 Working Group - Meeting 08

08 January 2024 at 13:00 - Web-Conference

Attendee	Company
Working Group Members	
Andrew Sherry [AS]	ENWL
Ann Burstson [AB]	NPg
Donna Jamieson [DJ]	Energy Assets
Edda Dirks [ED]	SSE Gen
Mark Bellman [MB]	ENWL
Nadir Hafeez [NH]	Ofgem
Peter Waymont [PW]	UKPN
Simon Yeo [SY]	National Grid
Code Administrator	
Andy Green [AG] (Chair)	ElectraLink
Mel Kendal [MK] (Technical Secretariat)	ElectraLink

1. Administration

- 1.1 All Working Group members agreed to be bound by the Competition Law Guidance for the duration of the meeting.
- 1.2 The Working Group reviewed the previous meeting minutes – the Working Group reviewed suggested tracked-changes to the previous meeting minutes and were agreed to be an accurate reflection of the discussions held. The Secretariat agreed to update the previous meeting minutes with the agreed changes.

ACTION 08/01: The Secretariat to make the agreed updates to the previous meeting minutes (DCP 417 WG 07 draft minutes).

- 1.3 An action log has been created and all updates are provided in **Appendix A**.

2. Purpose of the Meeting

- 2.1 The Chair explained that the purpose of this meeting is to finalise the review of the Consultation 2 responses within the Working Group and agree next steps.

3. Review of Suggestions to Draft Legal Text

- 3.1 The Chair informed the Working Group that additional feedback has been received in regard to the draft Legal Text – this was shared on screen for the Working Group to review.
- 3.2 One suggestion was to insert the word 'express' prior to the word 'approval' throughout the draft Legal Text to ensure there is a more robust process in place. It was also suggested that Party representatives present at the meeting must vote expressly in favour of that approval **by open ballot** to ensure transparency.
- 3.3 Another member suggested that in relation to Clause 10.2B where it currently stated that '...these groups shall be four distinct Party representatives...', this should be amended to state '...shall be representatives from four distinct Parties' as this reads better and is less ambiguous.
- 3.4 The Chair noted that there was a response to the Consultation that queried whether an IDNO representative needs to be included in regard to quoracy as well as a DNO/Supplier representative – Working Group members discussed this at the previous meeting and agreed it may be more appropriate to keep the quoracy legal text the same as the DCUSA Panel for consistency as opposed to amending it to include an IDNO representative.
- 3.5 An IDNO representative within the meeting confirmed that they also agree that the quoracy legal text remains the same as the DCUSA Panel for consistency.
- 3.6 DJ mentioned that the ENA are meeting on 09 January 2024 and suggested that it may be worth posing the IDNO representative question to them to gain their thoughts as this may aid in the Working Groups response to this – although it was also noted that they would not want to hold up any progress in changes if an IDNO representative is not present at the DCMDG/SIG meetings.

ACTION 08/02: DJ to raise the query around whether an IDNO representative should be included within the quoracy rules of this change at the next ENA meeting (being held on 09 January 2024) and feedback to the Working Group.

- 3.7 One member suggested in regard to Clause 10.2B, the wording ‘...a simple majority of those Parties representatives present...’ should be amended to state ‘...a simple majority of those Parties represented...’ as there could be multiple representatives from the same Party.
- 3.8 The Working Group were happy with the suggested amendments.

4. Final Review of Consultation 2 Responses

- 4.1 As agreed during the previous meeting, a UKPN representative (PW) was able to join this meeting to discuss their response to Question 6 (any other comments) to the Consultation with the Working Group.

Question 6 - Do you have any other comments on DCP 417?

- 4.2 PW informed the Working Group that one of their concerns is around the number of potential solutions that can be put forward for a CP. Currently, two alternate solutions are allowed, meaning three Party led outcomes can be voted on (one being that of the Proposer), however, this will reduce that to two Party led solutions alongside the Secretariats ‘Industry’ solution.
- 4.3 Although it may not happen regularly, the question is what will happen if there are three proposed industry alternate solutions that are better than the Secretariats, and whether the mandate can be changed.
- 4.4 The Working Group agreed that how the choice is made has to be done fairly and balanced.
- 4.5 One member stated that the mandate is there for the Secretariat to withdraw their solution or to amend/update if the solution is no longer suitable.
- 4.6 Another member suggested that it be possible for the Working Group to discount the Secretariats solution if there are too many alternate solutions to be taken forward (so long as there is quoracy within the Working Group). One member raised a concern with this suggestion, stating that it would violate CACoP Principle 6:
- *‘A Proposer of a Modification will retain ownership of the detail of their solution’.*
- 4.7 One member stated that a DCUSA Party led change can agree to alternative solution or amendments to their solution as they have the power to do so; however, the Secretariat will not have the same power to accept alterations to their solution as their mandate is not based in the same way (i.e., from DCMDG/SIG members).
- 4.8 It was noted that a Secretariat proposed solution would have already been through a process of scrutiny where it was originally raised (either at the DCMDG or SIG meetings) prior to being progressed to a Working Group. If a particular change was seen as contentious, then RFIs can be produced and circulated to seek additional information needed to propose the original solution prior to forming the Working Group.

- 4.9 After further discussion, a potential solution to the above concerns raised was that if there are three alternative solutions raised by DCUSA Parties, the Secretariat could agree to withdraw the change (thus removing their original proposed solution) allowing a DCUSA Party to raise a new change to progress with the three alternate solutions, making one of those the new original solution. This would also avoid violating CACoP Principle 6.
- 4.10 It was noted that if this solution is to be agreed and taken forward to address the above concern, this would need to be clearly explained within the Change Report. This can then be used to seek further advice from the legal team as to how to deal with CACoP Principle 6 in practice. It was also suggested that this could be explained within the Terms of Reference for all changes/Working Groups.
- 4.11 One member suggested there may be another concern around the powers of that the CP Proposer currently have – i.e., a DCUSA Party Proposer has the power to progress a CP right the way through whether industry agree with the solution or not, however, this may not work well from a Secretariat perspective.
- 4.12 After further discussion, Working Group members were happy with the Proposer's solution to this change and to be progressed to a Change Report.

ACTION 08/03: The Secretariat to produce a draft Change Report and circulate to the Working Group for review offline.

4.13

5. Agenda Items for Next Meeting

- 5.1 The Working Group discussed the next steps, and the following items were captured:
- The Secretariat to produce a draft Change Report and circulate to the Working Group offline for review.
 - The Secretariat to issue a Doodle Poll to seek availability of members for the next meeting to review the draft Change Report if needed.

6. Any Other Business

- 6.1 The Chair asked the group whether there were any other items of business to discuss.
- 6.2 There were no other items raised.

7. Date of Next Meeting - TBC

- 7.1 The next Working Group meeting will be determined at a later date and the Secretariat will circulate a doodle poll for members availability if needed to review the draft Change Report.

ACTION 08/04: The Secretariat to issue a doodle poll to Working Group members for availability for the next meeting if needed to review the draft Change Report (WG 09).

8. Attachments

- Attachment 1_DCP 417 WG 07 Draft Minutes v2.0 (tracked-changed)
- Attachment 2_DCP 417 Draft Legal Text v3.0 (tracked-changed)
- Attachment 3_DCP 417 Discussion Log v0.2
- Attachment 4_DCP 417 Work Plan

APPENDIX A

New and Open Actions

Action Ref.	Action	Owner	Update
07/01	The Secretariat to expand on the detail around the voting process within the Change Report.	Secretariat	Ongoing.
07/02	The Secretariat to note within the Change Report that the decision as to whether this will provide the Secretariat with an unfair advantage or not, was not unanimous with a range of views expressed within the Working Group.	Secretariat	Ongoing.
07/03	The Secretariat to seek whether amendments can be made to the purpose of the DCP 417 CP following an RFI suggestion, post-meeting.	Secretariat	Ongoing. <i>08/01/2024 - Secretariat is awaiting a response from the legal team. Will update WG as soon as response has been received.</i>
08/01	The Secretariat to make the agreed updates to the previous meeting minutes (DCP 417 WG 07 draft minutes).	Secretariat	New Action.
08/02	DJ to raise the query around whether an IDNO representative should be included within the quoracy rules of this change at the next ENA meeting (being held on 09 January 2024) and feedback to the Working Group.	DJ	New Action.
08/03	The Secretariat to produce a draft Change Report and circulate to the Working Group for review offline.	Secretariat	New Action.

08/04	The Secretariat to issue a doodle poll to Working Group members for availability for the next meeting if needed to review the draft Change Report (WG 09).	Secretariat	New Action.
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Closed Actions

Action Ref.			Update
06/01	The Secretariat to carry out high-level analysis of the previous 100 CPs and their sponsors and highlight whether there have been any delays.	Secretariat	Closed.
07/04	The Secretariat to seek a UKPN representative to either join or attend one of the DCP 417 Working Group sessions.	Secretariat	Closed.
07/05	The Secretariat to issue a doodle poll to Working Group members for availability for the next meeting (WG 08).	Secretariat	Closed.