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

Legal Drafting

**Amend Clause 9.4 as follows:**

* 1. 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 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.

**Amend Clause 10.2 as follows:**

* 1. 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);

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

10.2.6 the Secretariat, raised on behalf of industry with the express approval of the DCUSA Standing Issues Group or Distribution Charging Methodologies Development Group, pursuant to Clause 10.2A.

**Add a new Clause 10.2A as follows:**

10.2A Prior to raising a Change Proposal under Clause 10.2.6, the Secretariat must follow the following process:

10.2A.1 the Secretariat must first raise the issue which it has identified as potentially needing a Change Proposal at the DCUSA Standing Issues Group or (if the issue relates to the Charging Methodologies) the Distribution Charging Methodologies Development Group for discussion of the issue and potential solution;

10.2A.2 the Secretariat may only raise a Change Proposal with the express approval of the DCUSA Standing Issues Group or the Distribution Charging Methodologies Development Group (as further described in Clause 10.2A.3);

10.2A.3 in order for express approval to be given: (A) the quorum for the meeting must include representatives from at least four different Groups, at least one of whom must represent a DNO/IDNO Party and at least one of whom must represent a Supplier Party; and (B) a simple majority of the Groups represented at the meeting must vote in favour of approval being given (one vote per Group); and

10.2A.4 if the Secretariat wishes, in its role as the Proposer, to change the proposed solution (other than one which is considered minor by the Working Group) or to withdraw the Change Proposal, then the Secretariat must seek the approval of the DCUSA Standing Issues Group or Distribution Charging Methodologies Development Group (as applicable), on the same basis as described in Clause 10.2A.3.

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