

DCP 417 Working Group - Meeting 11

02 April 2024 at 14:00 - Web-Conference

Attendee	Company
Working Group Members	
Ann Burston [AB]	NPg
Edda Dirks [ED]	SSE Gen
Mark Bellman [MB]	ENWL
Simon Yeo [SY]	National Grid
Donna Jamieson [DJ]	IDCSL
Simon Vicary (SV)	EDF
Code Administrator	
Andy Green [AG] (Chair)	ElectraLink
Apologies	
Nadir Hafeez [NH]	Ofgem

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 and agreed them to be an accurate reflection of the discussions held.
- 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 draft Legal Text and if there is a change in intent post the legal text review, the Working Group would also review the Change report.

3. Legal Text Review

- 3.1 The Chair noted that the legal advisor who had reviewed the draft legal text was away so would not be able to join today's meeting.
- 3.2 The Working Group began by reviewing the feedback from Gowlings on the draft legal text. The Working Group agreed that they were comfortable to accept the first 5 amendments that had been suggested.
- 3.3 The Working Group reviewed point six raised from the legal text review which asked within clause 10.2A.3, The Working Group meant 4 distinct corporate groups or 4 'Party Categories'. It was noted that if the intent was for 4 different party categories, this would be a very high bar.
- 3.4 The Working Group agreed that they didn't want to set the bar as high as 4 different party categories and just wanted each party to have one vote and for the Working Group intended 4 'Party Categories' to have to vote to make the vote quorate.
- 3.5 It was raised if using the term 'Groups' would mean that an entire organisation would be aggregated. For example, an organisation operating a DNO, an IDNO and a supplier being aggregated as one entity so they'd get one vote.
- 3.6 The Working Group reviewed the definition of 'Group' and agreed that this wouldn't mean an organisation would have all elements aggregated as one.
- 3.7 It was also agreed that if a party were operating under a category, with a number of licences, the party within this category would also only get one vote. An example of a supplier who was operating with several licences was given and it was agreed that the current definition of 'Groups', and how the legal text was drafted, that the supplier given as the example would have a single vote, not a vote for each supplier licence.
- 3.8 One Working Group member raised a concern that if an organisation had both a supplier and a DNO business operating under one parent company, could a scenario occur where they'd both vote the same way purely because that was the wish of the overall parent company.

- 3.9 Another Working Group highlighted that business separation rules do exist, and these are rigorously audited to ensure these rules are being enforced so there was sufficient mitigation to this risk of a large Group conferring to influence how each Party in the Group would vote.
- 3.10 It was noted from a Working Group member that DCP 417 was only seeking to allow the secretariat to raise a change proposal and that voting for this would be confined to the Standing Issues Group (SIG) and the Distribution Charging Methodology Decision Making Group (DCMDG) so again, the legal text within section 1C that the Working Group had drafted mitigates any of the risks that had been previously raised.
- 3.11 The Working Group agreed to keep the legal text they'd drafted for schedules 7 and 28 that referred the new paragraphs in section 1C.

Post meeting note.

- 3.12 After another legal text review by Gowlings, it was agreed that another meeting would be required with representation from Gowlings to ensure that the legal text was clear and fit for purpose.

4. Any Other Business

- 4.1 The Chair asked the group whether there were any other items of business to discuss. There was not any other business to raised so the meeting was concluded.

5. Date of Next Meeting -

- 5.1 It was agreed that no new meetings were needed at this time.

APPENDIX A

New and Open Actions

Action Ref.	Action	Owner	Update
10/01	Check with Proposer that they are happy with the current drafted legal text	Secretariat	New Action
10/02	AG to review the process within the DCUSA on how a party withdraws a CP and share with the Working Group	Secretariat	New Action
10/03	AG agreed to send the SIG issues form to SV.	Secretariat	New Action

Closed Actions

Action Ref.			Update
07/01	The Secretariat to expand on the detail around the voting process within the Change Report.	Secretariat	Closed.
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	Closed.
08/01	The Secretariat to make the agreed updates to the previous meeting minutes (DCP 417 WG 07 draft minutes).	Secretariat	Closed.

08/03	The Secretariat to produce a draft Change Report and circulate to the Working Group for review offline.	Secretariat	Closed.
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	Closed.
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 INA meeting (being held on 09 January 2024) and feedback to the Working Group.	DJ	Closed as agreed that IDNO's are comfortable to not be hard coded into the quoracy rules.
09/01	The Secretariat to issue a doodle poll to Working Group members for availability for the next meeting (WG 10).	Secretariat	Closed.
10/01	Check with Proposer that they are happy with the current drafted legal text	Secretariat	Closed
10/02	AG to review the process within the DCUSA on how a party withdraws a CP and share with the Working Group	Secretariat	Closed