

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

### Legal Drafting

#### **Amend Clause 9.4 as follows:**

- 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~~ 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.

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#### **Amend Clause 10.2 as follows:**

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

- 10.2.1 a Party (excluding the Crowded Meter Room Coordinator), save that SIP Parties may only raise Change Proposals in respect of Section 2H;
- 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 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.

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**Add new Clauses 10.2A and 10.2B 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; and

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, there must be an open ballot vote of the Groups represented at the meeting, and: (A) the quorum for the vote must include representatives from at least four different Groups, at least one of whom must represent either a DNO Party or an 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

10.2B 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 either:

10.2B.1 (in the case of a Change Proposal raised under Clause 10.2.5) the Authority;  
or

10.2B.2 (in the case of a Change Proposal raised under Clause 10.2.6) 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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**In Schedule 7 (DCUSA STANDING ISSUES GROUP), add a new paragraph 8.6:**

8.6 Where the DCUSA Standing Issues Group has discussed an issue and considers that a Change Proposal is needed, the Secretariat can be asked to raise a Change Proposal using the process set out in Clause 10.2A.

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**In Schedule 28 (DISTRIBUTION CHARGING METHODOLOGIES DEVELOPMENT GROUP), add a new paragraph 8.6:**

8.6 Where the DCMDG has discussed an issue and considers that a Change Proposal is needed, the Secretariat can be asked to raise a Change Proposal using the process set out in Clause 10.2A.