

DCP 412 Working Group Meeting 39

6 January 2025 at 13:00 - Web-Conference

Attendee	Company
Working Group Members	
David Fewings [DF]	Inenco
Kyran Hanks [KH]	Waters Wye
Lee Stone	E.ON
Monique Pereira	Indigo Networks
Nik Wills	Stark
James Jones	SSE
Ryan Farrell	NPg
Simon Vicary	EDF
Victoria Burkett	SSE
Code Administrator	
Richard Colwill [RC] (Technical Secretariat)	ElectraLink
Craig Booth [RC] (Chair)	ElectraLink
Apologies	
Edda Dirks	SSE Generation
Mark Bellman [MB]	ENWL

1. Administration

- 1.1 The Working Group reviewed the “Competition Law Guidance”. 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 review both the draft Change Report and draft legal text (for all solutions) within the Working Group and agree next steps.

3. Review Draft Legal Text

- 3.1 The Working Group reviewed and provided feedback on the draft legal text for all solutions.
- 3.2 The key updates can be found below:
- The working group did not believe that the current drafting around when existing HCULU sites would be reassessed was sufficient as it could potentially be interpreted differently to what was agreed. It was therefore agreed to add reference to the assessment of existing HCULU Sites being done in January-March prior to the TO price control period.
 - The working group agreed that the remainder of the legal text met the intent of the CP.

ACTION 39/01: The Secretariat to work with Gowling's to update the legal text as per discussions.

Post meeting note

- 3.3 The updated legal text has been received and can be found in Attachment 1 of these minutes.

4. Review Draft Change Report

- 4.1 The Working Group reviewed and provided feedback on the draft change report.
- It was noted that DNOs would normally recommend including a buffer to avoid excess MIC charges and that this buffer could potentially mean that a customer may not qualify for HCULU, where they otherwise might have if the buffer was not added to their MIC. After discussion the working group agreed that addressing this was out of scope of this CP, but it should form part of the discussion with the DNO and customer at the point of application. It was also noted that if this CP is approved and this did prove to be an issue, a CP could be raised to specifically address the issue.
 - The WG agreed to query the impact of DCP 433 on HCULU sites and for Gowling's legal view to be included in the change report.
 - The WG agreed that the EU regulation discussion had not been rounded off sufficiently, and that it would be appropriate for ED's suggested text, provided prior to the meeting, to be used.
 - The Working Group had a discussion regarding what general objectives would be better facilitated if this CP was to be approved. They were unable to reach a unanimous decision and therefore the proposers view will be articulated in the change report as below:
 - The Proposer that this CP will better facilitate DCUSA Charging Objective 2 as the existing scheme of tariffs might be seen to restrict the activities of Customers that would be eligible for HCULU status, such as drainage boards, as it imposes a disproportionately high

tariff that makes their operations less economically viable. This then has a distorting effect on the supply market as potential Suppliers to that customer group are disadvantaged relative to those Suppliers that are focused on the supply of other customer groups.

Alternative Proposal 1

- The Proposer believes the same DCUSA Charging Objectives are better facilitated as with the original proposal, above.

Alternative Proposal 2

- The Proposer believes the same DCUSA Charging Objectives and General Objectives are better facilitated as with the original proposal, above.
- The WG also agreed that sign-off of both the legal text and change report would be completed via email, once the Secretariat had made updates to the draft change report following Gowling's advice.

- 4.2 The Secretariat agreed to update the Change Report, once the legal text is back from Gowling's to ensure they align.

ACTION 39/02: The Secretariat to update the Change Report, once the legal text is back from Gowling's to ensure they align.

5. Any Other Business

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

New and Open Actions

Action Ref.	Action	Owner	Update
38/01	The Secretariat to have discussions with Gowlings around the intent of paragraph 6.3A in the proposed solution draft legal text to see if the wording can be amended to ensure the intent is clear.	Secretariat	Completed
38/02	The Secretariat to have discussions with Gowlings in regard to paragraphs 6.3B (a) and 6.3B (b) to see if the wording can be amended to give further clarity.	Secretariat	Completed
38/03	The Secretariat to have discussions with Gowlings in regard to the wording within the summary of solutions table (within the Change Report).	Secretariat	Completed
38/04	The Secretariat to review the draft Change Report and ensure it aligns with the legal text across all three solutions.	Secretariat	Completed
39/01	The Secretariat to work with Gowing's to update the legal text as per discussions.	Secretariat	Completed
39/02	The Secretariat to update the Change Report, once the legal text is back from Gowing's to ensure they align.	Secretariat	Ongoing

Closed Actions

Action Ref.	Action	Owner	Update
37/01	Redraft this offline and to review the graph (labels, colour use, thresholds, etc.)	Chair	Closed. <i>It was noted that the graph has now been deleted and the text was re-worded.</i>
37/02	Redraft paragraph 7.6 offline.	Chair	Closed.
37/03	Check with Gowlings whether 'consecutive' was removed for a specific reason.	Chair	Closed.
37/04	Create a table to show the similarities and differences between the proposed solution and the alternative solutions.	Chair	Closed.
37/05	Review other impacted DCPs listed and articulate this somewhere in this section.	Chair	Closed.
37/06	Add removal of paragraph 4.6 of schedule 32, and all cross-references, to the housekeeping log.	Chair	Closed.
37/07	Send feedback re paragraph 4.1(b)(ii) to Gowlings for review.	Chair	Closed.
38/05	CB to draft wording in relation to the facilitation of competition, to be included within the Change Report.	CB	Closed. <i>Provided suggested wording during the meeting.</i>