

DCP 446 Working Group Meeting 03

11 February 2025 at 10:00 - Web-Conference

Attendee	Company
Working Group Members	
Brian Sweeney [BS]	UK Power Networks
Mark Bellman [MB]	Electricity North West Limited
Mark Rose [MR]	UK Power Networks
Monique Pereira [MP]	Indigo Networks
Owen Black [OB]	SP Energy Networks
Liam Sweeney [LS]	Ofgem
James Devriendt [JD]	UK Power Networks
Drew Johnstone [DJ]	Northern Powergrid
Shaun Longstaff [SL]	National Grid
Simon Vicary [SV]	EDF
Code Administrator	
Craig Booth [CB]	Chair
Hannah Proffitt [HP]	Secretariat
Apologies	
Victoria Burkett [VB]	SSE Energy Supply Limited
Peter Waymont [PW]	UK Power Networks

1. Administration

Recording

- 1.1 The Chair asked members if they were comfortable for this Working Group to be recorded. No members objected to this request. The purpose of this recording is purely to aid the Technical Secretariat in producing an accurate report of the meeting.

Apologies

- 1.2 Apologies are included in the table above.

Competition Law Guidance and Terms of Reference

- 1.3 The Working Group reviewed the “Competition Law Guidance” and “Terms of Reference”. All Working Group members agreed to be bound by the Competition Law Guidance for the duration of the meeting and agreed to the Terms of Reference.

Minutes of the Previous Meeting & Action Log

- 1.4 The Chair advised that MB had submitted suggested amendments to the minutes ahead of the meeting. The Chair presented the redlined version, included as Attachment 1.
- 1.5 The group approved the amendments. The Secretariat agreed to accept the amendments and add the final version to the website.
- 1.6 The Secretariat agreed to check the Change Report and collated consultation response document and mirror the changes.

Action 03/01 – Secretariat to check the Change Report and collated consultation response document and mirror the changes to the minutes.

- 1.7 The Working Group reviewed the open actions. Updates can be found in the Action Log at the end of the document.

2. Purpose of the Meeting

- 2.1 The Chair advised that the original purpose of the meeting was to review the draft Change Report, however that feedback had been received from DCUSA’s legal advisers. The Working Group agreed to review Gowling’s feedback first.

3. Review Legal Feedback & Draft Change Report

- 3.1 The Chair advised that Gowling had provided the following feedback.

‘Regarding SLC 10AA, I am not concerned about inconsistency with SLC 10AA, because SLC 10AA governs how distributors treat domestic customers – it doesn't govern what is written in the DCUSA/NTC.

However, I do have concerns that the proposed drafting is too broad and not therefore consistent with the DCUSA objectives or the requirements of the Electricity Act concerning the reasonableness of connection terms.

Others – notably the working group, voting parties and Ofgem – may take a different view of course, and we have therefore produced drafting to reflect the proposal. Nevertheless – in our view – customers should only be required to pay if they were at fault (as per the existing NTC text in sections 3 and 4). We also note that this was the position originally set out in the Change Proposal.’

- 3.2 JD felt that the comments from Gowling should be taken on board and asked for further views from the Working Group.
- 3.3 OB noted that they had no strong opinion however highlighted that their original suggestion was to soften the wording to remove the burden of evidence. OB added that they are broadly in agreement with Gowling.
- 3.4 OB highlighted their previous point that SLC 10AA is not the only regulatory standard against which Ofgem could see the outcome as unfair. OB noted that a wider view is needed and that this was just an example.
- 3.5 The Working Group reviewed the legal text with Gowling's comments.
- 3.6 The Working Group considered adding the wording 'and in the reasonable opinion of the company, this was due to the acts or omissions of the customer or their agents.' To Section 2, Paragraph 7. However members felt this put onus on the company to make a decision on what is reasonable rather than an objective view of what is reasonable, and therefore this carried risk.
- 3.7 BS asked if the group could go back to Gowling to ask if it would be possible to include some form of protection for non-domestic customers in DCUSA, similar to those under 10AA. Members felt that it would not be appropriate to include consumer protections in the DCUSA as opposed to having them under the licence conditions.
- 3.8 The Working Group discussed whether to go back to Gowling for suggested wording. Members noted that this could lead to more specific wording and therefore less risk, however that having to prove act or omission can be onerous.
- 3.9 BS highlighted that fairness to all customers should be considered and if the customer in question is not charged, the costs are then socialised to the wider customer base which is also a fairness issue.
- 3.10 The Proposer agreed to work on the wording offline and return to the group.

Action 03/02 – Proposer to consider the legal text wording ahead of the next meeting.

- 3.11 OB asked whether the text could be worded in a way that places the burden of proof on the customer rather than the DNO. MR agreed with the principle but noted that it could still involve a lot of dialogue. MR agreed to consider this when drafting the wording.
- 3.12 OB highlighted that Gowling had raised concern that the current drafting is not consistent with the DCUSA objectives and asked which objectives specifically this referred to. The Chair noted that Gowling has not specified. The group agreed for the Chair to ask Gowling to specify which objectives and expand on why.

Action 03/03 – The Chair to ask Gowling to specify which DCUSA objectives are not consistent with the current drafting and ask them to expand further on the reasons why.

- 3.13 The Chair highlighted a question Gowling had asked regarding Schedule 2, Section 3, Clause 6.3. Gowling had questioned whether emergency services ask a distributor to permanently disconnect a premises by removing connection equipment (rather than de-energising).
- 3.14 JD clarified that requests from emergency services such as fire and ambulance would be asking for the site to be made safe, rather than giving specific instructions. JD added that sometimes the police ask for a disconnection where the supply is being used for illegal activity. MR agreed that it is then down to the DNO to determine what work is needed on site.
- 3.15 The Chair highlighted a further comment from Gowling stating that whether or not connection charges apply is dealt with in the connection charging methodology. The Working Group agreed that it is appropriate for the statement to be a 'may' as connection charging methodology is subject to change.
- 3.16 The Chair ran through the other comments from Gowling and the Working Group had no further comment.

4. Review/Update Work Plan

- 4.1 Considering the additional work agreed during the meeting, the Working Group acknowledged that the Change Report would not be ready to be submitted to the February Panel.
- 4.2 The Working Group agreed to meet again on Tuesday 18 February 2025 at 10am.

5. Any Other Business

- 5.1 No other business was raised.

Attachments

- Attachment 1 - DCP 446 Working Group Meeting 02 Draft Minutes v2.0 MB Feedback

New and Open Actions

Action Ref.	Action	Owner	Update
Action 03/01	Secretariat to check the Change Report and collated consultation response document and mirror the changes to the minutes.	The Secretariat	<i>This has been completed.</i>
Action 03/02	Proposer to consider the legal text wording ahead of the next meeting.	The Proposer	<i>New action.</i>
Action 03/03	The Chair to ask Gowling to specify which DCUSA objectives are not consistent with the current drafting and ask them to expand further on the reasons why.	The Chair	<i>New action.</i>

Closed Actions

Action Ref.			Update
Action 02/01	The Chair to ask the DCUSA legal advisors to assess any risk of inconsistency of the legal text for this CP against condition 10AA.	The Chair	<i>Legal text submitted to the DCUSA legal advisors, along with the query, on 03 February 2025. Response received and reviewed at the meeting.</i>
Action 02/01	The Chair to update the legal text in line with changes proposed by UKPN and to provide a “for example” list of emergency services against the first occurrence of that term in each of the sections.	The Chair	<i>Legal text updated and submitted to the DCUSA legal advisors on 03 February 2025. Response received and reviewed at the meeting.</i>