

## DCP 451 – Suspending Registrations

### Legal Text

#### **Add a new definition in Clause 1 as follows:**

<u>Market Sanction</u>	<u>has the meaning given to that expression in the Retail Energy Code.</u>
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#### **Amend Clause 23.4 (Material Breach) as follows:**

##### **Material Breach**

- 23.4 Failure by the User to remedy a Payment Default within four Working Days of receipt of a Late Payment Notice from the Company shall be a material breach of this Agreement by the User for the purposes of Clause 54.1.1, and the Company shall be entitled to ~~take actions to~~ suspend registration services in accordance with Clause 54.2.1~~the provisions of the Retail Energy Code. Where the Company takes such action, it shall send a copy of any notice that it is required to issue pursuant to those provisions to the User and the Panel (care of the Secretariat).~~

#### **Amend Clause 54.2 (Suspension of Rights) as follows:**

##### **Suspension of Rights**

- 54.2 For so long as an Event of Default is continuing, where a Supplier/CVA Registrant is a User under Section 2A, or where a DNO/IDNO/OTSO Party is a User under Section 2B, and, in either case, that Party is a Breaching Party pursuant to:

- 54.2.1 Clause 54.1.1 or 54.1.6, any Party to whom the obligations in question were owed shall be entitled to suspend its performance of the services described in Section 2 to the Breaching Party by: (a) giving notice in writing to the Breaching Party; and (b) copying that notice to the Authority and the Panel (care of the Secretariat)~~reporting under the Retail Energy Code the amendment to the Regulatory Alliance;~~

54.2.2 Clause 54.1.8, the Panel shall be entitled to instruct the REC Code Manager to procure suspension of CSS registration services for the Breaching Party by imposing a Market Sanction under the 'Switching Data Management Schedule' of the Retail Energy Code and shall notify each DNO/IDNO Party and the Authority that the Panel has taken such action; and

54.2.3 any ~~other~~ provision of Clause 54.1 other than Clauses 54.1.1, 54.1.6 and 54.1.8, any Party shall be entitled to suspend its performance of the services described in Section 2 to the Breaching Party by: (a) giving notice in writing to the Breaching Party; and (b) copying that notice to the Authority and the Panel (care of the Secretariat)~~reporting under the Retail Energy Code the amendment to the Regulatory Alliance,~~

54.2A In the case of suspension under Clauses 54.2.1 or 54.2.3:

54.2A.1 where the Breaching Party's rights under Section 2A are suspended, then the suspending Party shall prevent new registrations in its MPAS by the Breaching Party, and shall notify an end to the Regulatory Alliance with the Breaching Party under the 'Switching Data Management Schedule' of the Retail Energy Code; and

54.2A.2 the Breaching Party shall pay to the suspending Party ~~(in the case of Clauses 54.2.1 and 54.2.3)~~ an amount equal to any reasonable costs incurred by such Party as a result of such suspension. Any party serving a notice under this Clause 54.2 shall send a copy of the notice to the Panel.

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**Add a new heading (Ending of Suspension) and a new Clause 54.4B as follows:**

**Ending of Suspension**

54.4A Where the Panel has instructed the REC Code Manager to procure suspension of CSS registration services for a Party in accordance with Clause 54.2.2 and that Party remedies the DCUSA Payment Default, then the Panel shall notify each DNO/IDNO Party and the Authority that the DCUSA Payment Default has been remedied, and shall instruct the REC Code Manager to cease the suspension of CSS registration services by ending the Market Sanction under the Retail Energy Code.

54.4B Where a Party has suspended its performance of the services under Section 2 to a Breaching Party in accordance with Clause 54.2 and where the Breaching Party remedies the relevant Event of Default, then the suspending Party shall end such suspension by: (a) giving notice in writing to the Breaching Party; and (b) copying that notice to the Authority and the Panel (care of the Secretariat). Where suspension of new registrations in MPAS is ended, the suspending Party shall notify the re-establishment of the Regulatory Alliance with the Breaching Party under the 'Switching Data Management Schedule' of the Retail Energy Code.

**Amend Schedule 1, Paragraph 3.5 (Actions in Relation to Cover Default) as follows:****Action in Relation to Cover Default**

- 3.5 In addition to any other remedies available to it, the Company shall be entitled to take the following actions following a Cover Default (provided that, where the provision of ~~CSS~~ registration services or the right to make future connections under Section 2B (as applicable) has been suspended at any time after Day 0 + 5, then the Company must, as soon as the Cover Default has been remedied, reinstate the right to ~~CSS~~ registration services ~~(by updating the Regulatory Alliance under the REC)~~ or the right to make future connections under Section 2B (as applicable) in accordance with Clause 54.4B):

<b>Working Days After Cover Default</b>	<b>Action Within the Company's Rights Under this Schedule</b>
Day 0	Date of default
Day 0 + 1	Interest and administration fee start to apply.
Day 0 + 1	Issue notice of default to Contract Manager containing a statement of the Indebtedness Ratio and send a copy of such notice to the Authority.
Day 0 + 3	Formal User response required.
<b>Section 2A</b>	
Day 0 + 5	<u>An Event of Default under Clause 54.1.1 is deemed to have occurred, and the Company may suspend <del>CSS</del> registration services in accordance with Clause 54.2.1</u> <del>by updating the Regulatory Alliance under the Retail Energy Code, and notify the Authority.</del>
<b>Section 2B</b>	
Day 0 + 5	<u>An Event of Default under Clause 54.1.1 is deemed to have occurred, and the Company may</u> <del>Initiate action to</del> suspend the right to make any further connections to the Company's Distribution System <u>in accordance with Clause 54.2.1</u> <del>under Section 2B, and notify both the User and the Authority.</del>

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