

DCP 473 Working Group Meeting 06

07 September 2026 at 1pm – Web-conference

Attendee	Company
Working Group Members	
Blessing Ekpe [BE]	SSE
Mark Jones [MJ]	SPEN
Ian Chadwick [IC]	AEN
Edda Dirks [ED]	SSE Gen
John Harmer [JH]	Waters Wye
Jo Brown [JB]	National Grid
Mark Bellman [MB]	ENWL
Nik Wills [NW]	Stark
Chris Ong [CO]	UKPN
Ryan Farrell [RF]	NPg
Victoria Burkett [VB]	EON
Liam Sweeney (LS)	Ofgem
Code Administrator	
Andy Green [AG]	ElectraLink
Apologies	
Peter Waymont [PW]	UKPN

1. Administration

Recording

- 1.1. The Chair informed Working Group members that, as per the Terms of Reference, the meeting would be recorded for the purpose of aiding the Technical Secretary in producing an accurate record of the meeting. The recording will be deleted no later than 60 days after the meeting.

Competition Law Guidance and Terms of Reference

- 1.2. 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.

Action Log & Review of Minutes

- 1.3. The Chair opened the meeting and explained that the minutes from the previous working group, held the previous Wednesday, had not yet been issued so there were no minutes to review at this time.
- 1.4. A summary of the open actions and updates are included in the appendix.

2. Purpose of the Meeting

- 2.1. The Chair set out that the purpose of the meeting was to review the legal text for solutions A and C and agree on next steps. The initial part of the meeting would focus on solution C and then move on to the updated legal text for the NTCs for solution A.

3. Review of Legal Text

- 3.1. AG recapped the position reached at the previous meeting which was that consultation feedback had indicated that Solution C should contain a period before capacity could be removed, but the group had not decided what that period should be. The original 24-month period was widely regarded as too long, with alternatives including three, six and twelve months having been suggested.
- 3.2. AG revisited the gaming risk created where a customer briefly re-energised a site and then de-energised it again to restart the relevant period. Supplier processes were considered capable of identifying questionable re-energisation and de-energisation requests because suppliers would have direct contact with the customer at both stages of the re-energisation and de-energisaion. The Working Group still favoured catering for the gaming risk within the legal text.
- 3.3. A placeholder excluding intervening periods of energisation lasting 28 days or less was added to the legal text and it was agreed to revisit this provision once the Working Group had agreed on how best to mitigate the gaming risk and what the process should be.
- 3.4. AG summarised the other outstanding areas in the Solution C drafting. These included responsibility for customer contact, whether standardised notices should be used, who would make decisions about retaining or reducing capacity, when DUoS charges would apply where a customer elected to retain capacity, the options available to customers, and the interaction between the charging provisions, the National Terms of Connection and existing capacity reduction arrangements.
- 3.5. The group also confirmed that the labels Solution A and Solution C would be retained so that the change report remained consistent with the four solutions previously consulted upon.

- 3.6. ED argued that legacy de-energised sites may need a longer period because there could be a substantial backlog and it may be difficult to identify or contact the responsible party. Sites de-energised after implementation could be treated differently because the supplier would usually be in contact with somebody when the de-energisation was requested. RF cautioned that this would not always be the site owner or authorised decision-maker, particularly where de-energisation arose from a safety issue.
- 3.7. RF initially preferred one process for all sites because it would be simpler. He accepted that two periods might be necessary if the group concluded that legacy sites required materially more time but considered 12 months to be a workable period for both groups of customers.
- 3.8. JH considered that legacy sites could legitimately be treated differently through a grandfathering or transitional arrangement. He also noted that a longer legacy period might be needed not because each case required lengthy investigation, but because the total volume of sites could require organisations to stagger communications and manage the resulting enquiries.
- 3.9. The group discussed whether the implementation period could be used to investigate existing sites. JH cautioned that the implementation timetable was ultimately dependent on the Authority's decision and should not be relied upon in place of a codified period. AG did note the implementation would be linked to any authority decision, however group continued to consider the implementation period and the treatment of legacy sites as separate points.
- 3.10. The Working Group moved on to discuss the notice period to see if an agreement could be made on its length and process. Different views about the purpose of the proposed period were raised within the meeting. Some members saw it principally as the time needed to identify and notify the responsible customer. Others considered it a reasonable period during which a site could remain de-energised before the DNO obtained the power to recover unused capacity. Examples such as fire damage, flooding and major refurbishment were used to illustrate why a customer might legitimately remain de-energised while still needing to retain its existing capacity.
- 3.11. JH supported a short period for new de-energisations and considered three months to be at the upper end of what should be required for conversations and decisions. RF favoured 12 months as a middle ground.
- 3.12. MB noted that disagreement with 24 months in the earlier consultation did not establish that three months was too short, because respondents may have had a wide range of shorter periods in mind. Ian Chadwick suggested that 12 months could be adopted initially and reconsidered through a later change proposal if experience following the initial change showed that the notice period was inappropriate.
- 3.13. BE requested confirmation that Solution C did not ordinarily result in charges. AG confirmed that the default outcome under Solution C would be the reduction/removal of capacity after the relevant period where the customer did not engage. A customer wishing to retain capacity would normally re-energise and return to business-as-usual charging. A limited carve-out would be needed for a customer that could not re-energise but expressly wished to retain and pay for the capacity.
- 3.14. The Working Group considered the practical process for tracing and contacting customers. MB referred to established supplier processes and questioned whether DNOs risked duplicating activity already undertaken under other industry arrangements.
- 3.15. AG noted that suppliers have obligations and processes that may already provide coverage, and suggested that DCUSA should avoid recreating those wider arrangements. NW added that supplier

agents are required under BSC arrangements to confirm periodically that de-energised sites remain de-energised.

- 3.16. VB highlighted that the supplier may retain a contractual relationship associated with the site and is likely to receive questions from a customer who receives a DNO letter. However, because the DNO is seeking to recover the capacity, she considered that the DNO should initiate contact, with the supplier supporting the process by providing the most accurate customer information available. RF suggested that the DNO could notify both the customer and supplier, after which the supplier could decide whether to reinforce the message with the customer.
- 3.17. It was noted that under the current legal text drafting, the process is for the DNO to inform both the customer and supplier initially, so the drafting was consistent with RFs thinking.
- 3.18. The Working Group also considered whether communications should be standardised. There was support for a standard form of notice, with the remaining question being the wider process, including who should lead it, how contact details should be exchanged and what each party should do after notice was issued. VB agreed to check how supplier contractual arrangements might affect the pass-through of charges where a customer elected to retain capacity.
- 3.19. A significant part of the latter discussion concerned the difference between a grace period and a notice period. RF pointed out that the draft contained both a period for which a site had to remain de-energised and a separate period of notice before capacity could be removed. JH initially viewed the two as the same for an individual customer, while the longer legacy period related principally to managing the backlog.
- 3.20. The group moved towards simplifying the process so that the notice and grace period began when the letter was issued, and RF and MB preferred the term notice period.
- 3.21. However, it was questioned how that approach would interact with the National Terms of Connection requirement for a site to have remained de-energised for a continuous period before capacity could be removed. The group recognised that the two concepts might still need to remain distinct in the legal drafting and that this issue required further development rather than being treated as settled.
- 3.22. There was some confusion around what the principles for solution C was. AG framed Solution A as the direct charging proposal and Solution C as a more customer- and supplier-friendly alternative designed to recover unused capacity while mitigating the risk associated with unidentified customers and bad debt.
- 3.23. A vote was undertaken on whether Solution C should use separate notice periods for legacy and new sites or if one notice period should be applied for all sites.
- 3.24. The vote was tied (4 in favour of separate notice periods and 4 in favour of one notice periods), with remaining members indicating that they were undecided. The result confirmed that the working group had not reached a settled view.
- 3.25. It was restated that Solution C was principally intended to give DNOs the power to recover capacity after a reasonable period, rather than to recover revenue. If the customer did not respond, the default outcome would be that the capacity could be released for use elsewhere. If the customer wished to retain it, the detailed process would determine whether the site was re-energised or the customer paid while remaining de-energised. ED agreed that the distinction between the two solutions was helpful but considered that the enduring treatment of future de-energisations still needed to be explained more clearly.

- 3.26. The group agreed that a legacy site should, in principle, be identified by an effective-from date before the implementation date, including instances where a de-energisation was recorded retrospectively. However, the discussion demonstrated that the relationship between the minimum de-energised period and the notice given to a customer still required further work.
- 3.27. VB suggested seeking wider industry views because the small number of participants on the call and the mixed consultation feedback did not provide a sufficiently clear direction. AG agreed that the group had reached an impasse and proposed a short, focused exercise addressing the key areas rather than reopening every aspect of the change could help to move solution C forwards.
- 3.28. The group considered questions on whether one or two periods should apply, what the period or periods should be and why, how legacy sites should be defined, and who should own the communications process.
- 3.29. It was suggested that if a consultation is issued, the whole process should be worked through before any RFI/consultation was issued, so that any other necessary questions could be included at the same time.
- 3.30. Recognising that two meetings had taken place in quick succession without resolving the central issues, AG proposed a further meeting. Wednesday 23 September 2026 from 10:00 to 13:00 was selected. AG stated that he would set out the processes in a document and prepare a shell consultation for review at that meeting before issuing the invitation and closing the call.

4. Next Steps and Work Plan

- 4.1. Members agreed on the following next steps.
- The Chair to produce and circulate updated draft legal text following the meeting.
 - Members to meet again on 23 September 2026 at 11am to review the legal text and outstanding points.

5. Any Other Business

- 5.1. No other business was raised.

6. Next Meeting

- 6.1. The next meeting will be held on 23 September 2026 at 10am.

New and Open Actions

Action Ref.	Action	Owner	Update
06/01	Review the available site data and share relevant analysis with the working group, including the age profile of de-energised sites.	Andy Green	New Action
06/02	Check how supplier contractual arrangements may affect the treatment or pass-through of charges where a customer elects to retain capacity.	Victoria Burkett	New Action
06/03	Draft a document setting out the Solution C processes and prepare a shell consultation for review at the next working group meeting.	Andy Green	New Action
06/04	Issue the invitation for the next meeting on 23 September 2026, 10:00-13:00.	Andy Green	New Action

Closed Actions

Action Ref.			Update
07/01	The Secretariat to update the minutes as per discussions at Meeting 07 and reupload them to the website.	The Chair	Action closed. <i>Complete.</i>

07/02	The Chair to identify current obligations on Suppliers regarding identifying unknown occupiers/customers.	The Chair	Action closed. <i>Discussed during the meeting.</i>
07/03	The Chair to investigate and clarify Supplier obligations regarding maintaining contracts for non-domestic customers, especially in scenarios where Suppliers may not wish to supply a customer.	The Chair	Action closed. <i>Discussed during the meeting.</i>
07/04	The Chair to produce a draft of the consultation and issue to members, along with a process map of the agreed steps.	The Chair	Action closed. <i>Complete.</i>
01/04	The Secretariat to seek legal advice (and Ofgem views thereafter) once the Consultation responses have been collated and reviewed.	The Chair	Closed
01/02	The Chair agreed to reach out to REC to ask that a representative attends the next meeting to discuss potential consequential changes.	The Chair	Closed
01/03	The Chair to produce and circulate draft legal text following the meeting.	The Chair	Closed
01/04	The Chair to look into whether a DCP can be assessed against both the Charging Objectives and the DCUSA General Objectives.	The Chair	Closed
01/05	The Chair to update the consultation document based on discussions and to circulate to members.	The Chair	Closed
01/01	VB to look into whether a consequential change will be needed to the REC (the RMP Life Cycle Schedule and the Secure Data Exchange Schedule).	VB	Closed

02/01	Action 02/01 - The Chair to update the consultation document and legal texts based on discussions and to circulate to members.	The Chair	Closed
05/01	Andy Green to review the call for Working Group 04 and update the minutes to more accurately reflect the conversation on the NTC legal text drafting for solution A	AG	Closed
02/01	The Chair to update the legal text and share with the working group prior to the meeting on 07 September 2026	AG	Closed