

Question 1

Company	Confidential/ Anonymous	Do you agree with the proposal to include the provision for a reduced notice period where a DNO needs to utilise an intervention option to ensure their EDCM charges don't contain negative fixed charges? Please provide your rationale for agreeing or disagreeing.	Working Group Comments
SP Energy Networks	Non-Confidential	Yes, we understand that some, if not all, of the intervention options available will require significant additional analysis prior to implementation, and therefore the affected DNOs would be unable to achieve the existing publication timeline.	The Working Group noted that this respondent agreed.
The Electricity Network Company Ltd.	Non-Confidential	We do not agree that a reduced notice period should apply where a DNO utilises an intervention option but doesn't necessarily require additional time to complete the changes. We recognise that there may be circumstances where a DNO requires additional time to apply an intervention option and complete the associated assurance activities. However, we do not believe the introduction of a reduced notice period should create an expectation that publication beyond the standard notice period is routine. The legal drafting should make clear that the reduced notice period is an exception mechanism that is only available where the DNO can demonstrate that, despite acting reasonably and in a timely manner, the intervention measures could not be applied and validated within the standard notice period. This will help ensure that DNOs remain incentivised to publish charges as early as possible while retaining flexibility where genuinely required. One of the benefits of codifying the Ofgem derogation guidance was to avoid publication delays as DNOs would not have to seek approval from Ofgem to fix any issues. Where a DNO is able to solve these issues in time of the standard notice period, they should be required to publish the charges within this notice period.	The Working Group noted that this respondent disagreed that it should apply as standard and should only be used when necessary. The Working Group believe that strengthened wording can be added and the requirement for a notification to be issued serve to demonstrate that the reduced notice period should only be used when absolutely necessary.
National Grid Electricity Distribution	Non-Confidential	NGED supports the proposal to include a reduced notice period when a DNO applies an intervention option to address excessive surplus residual revenue within the EDCM. Collating this arrangement within DCUSA provides greater certainty, transparency and efficiency than relying on repeated derogation requests, while recognising the additional analysis, assurance and governance activities required before charges can be published.	The Working Group noted that this respondent agreed.
Northern Powergrid	Non-Confidential	Yes, the reduced notice period would allow the affected DNO(s) to identify the specific cause of the negative residual and apply the relevant solution(s).	The Working Group noted that this respondent agreed.
Scottish and Southern Electricity Networks	Non-Confidential	We agree with this on the basis additional time has been required and approved by Ofgem previously in such circumstances. The allowed revenue can change up to the end of the 14 day PCFM notice period and DNOs need time to apply the intervention option, assure the tariffs and procure internal sign-off prior to publication.	The Working Group noted that this respondent agreed.

UK Power Networks	Non-Confidential	All of the issues with negative residual in the EDCM relate to those companies who use the FCP charging methodology, to date no similar issues have arisen with LRIC. As we are now almost fifteen years since the (not) common charging methodologies were introduced for EHV charging, have the working group considered an alternative approach, that from a future date all DNOs use LRIC rather than FCP in order to avoid these issues? However, whilst FCP is continued to be used, we believe that all the time that 15 months' notice is provided, then a short reduction on these timescales would be appropriate, however should DCP469 be ultimately approved then we feel that the DNO would need to have undertaken the necessary checks well in advance of publishing their charges providing two months' notice so that this notice period would remain as proposed with no additional change to the notice period applied. In the meantime, at face value, the proposal results in some DNOs giving 15 months' notice, some DNOs giving 13 months' notice, some IDNO charges being published at 14 months for some regions and other IDNO charges being published at 12 months for other regions. We believe consistency and certainty of publication is preferable and propose that all DNO charges be published at 13 months' notice and IDNO at 12 months. Its not clear why DNOs that use LRIC should not face the same notice periods as this introduces an unnecessary inconsistency across DNOs. Separate work on a much shorter notice period is continuing in this area under DCP469, so that charges for all companies continue to be published at the same time, further avoiding unnecessary confusion for Suppliers not knowing what charges to expect and when. This would also assist IDNOs who would then only need to publish their charges once, as if one (or more) DNOs are unable to publish their charges in line with the expected notice period this requires IDNOs to publish their charging statements on more than one occasion.	The Working Group noted that the suggestion that affected DNOs move from the FCP to the LRIC is out of scope and had been discussed previously following the same suggestion in a response to the first consultation The Working Group acknowledge the interaction with DCP 469 and note that impacted DNOs will assess their ability to comply with the timescales proposed and will either need to request a derogation or feed into the discussions under 469. Regarding consistency, the Working Group acknowledge that it isn't ideal but that this has been (and would remain) the case when requesting derogations. Regarding the suggestion that 13 months applies to all DNOs, the Working Group note that such an approach is not in scope of DCP 477.
Centrica	Non-Confidential	We do not agree with the proposal to include the provision for a reduced notice period. A reduced notice period is beyond the agreed scope of the change proposal: A reduced notice period is beyond the original scope of DCP477. The change proposal was raised simply to codify solutions that Ofgem previously approved that allow DUoS tariffs to be calculated in instances of excessive surplus residual revenue. The change proposal was not intended to affect any other aspect of tariff-setting. The 'bolt on' an additional change to the DCUSA that is not limited to the original intent of DCP477 is inappropriate and represents poor governance. If it is believed that a reduced notice period would be helpful to facilitate an intervention option that satisfies the original intent of the change proposal, we strongly recommend that DCP477 be withdrawn and another change proposal be raised to allow appropriate consideration of the relevant issues.	Respondent does not agree and raises some specific points which the Working Group will address below. The Working Group discussed the concern raised regarding the scope of DCP 477, and agreed that it could be included on the basis that it formed part of the derogation process outlined in Ofgem's guidance document (i.e., was a two-step process).

	For the avoidance of doubt, we consider the change proposal to be negative against the second DCUSA Charging Objective (<i>Compliance by each DNO Party with the Charging Methodologies facilitates competition in the generation and supply of electricity and will not restrict, distort, or prevent competition in the transmission or distribution of electricity or in participation in the operation of an Interconnector (as defined in the Distribution Licences).</i> A reduced notice period inappropriately transfers decision-making powers from Ofgem to the DNOs: We are very concerned that the change proposal inappropriately transfers decision-making powers from Ofgem to the DNOs. The permissibility to submit a derogation request to ask Ofgem whether the DNOs may be permitted to deviate from a legal obligation is not the same as the DNOs effectively giving themselves that right by way of this change proposal. They are not substitutable. They do not involve the same degree of regulatory scrutiny. They do not involve the same degree of consideration of the impacts of other types of code parties and customers. Firstly, we highlight that amending the DCUSA as per the original intent of DCP477 effectively changes the established network charging methodology by giving the DNOs the authority to choose when they can deviate from the established charging methodology. This implicit way of changing the methodology erodes the benefits of having an agreed and established charging methodology in place. It is either that the DCUSA is updated to hard-code methodological changes or the existing requirement to seek a derogation remains in place. Changes to the established charging methodology should be progressed via the appropriate route with the appropriate governance, instead of giving the DNOs sole authority over when deviations can be implemented. Secondly, the proposal for a reduced notice period for tariff publication, which would allow relevant DNOs to unilaterally decide when tariffs should be published, is highly inappropriate. The timing of tariff publications is a matter that not only affects network companies, but also affects other types of code parties and customers. The working group is aware of this fact: <i>"Members recognised that stakeholders may reasonably consider any amendment to notice period requirements to be a distinct issue and one which could have implications for suppliers and customers."</i> (DCP 477 Working Group – Meeting 05 minutes.). Decisions on notice periods must remain with the Authority and must not be subcontracted to the relevant DNOs, especially given the known impacts on the retail market. For example, in our response to Ofgem's consultation on <i>"Notice period options for network charges for the start of ED3"</i>, we explained why a reduced notice period would create unnecessary costs for customers at the time when both domestic and non-domestic customers are already facing significant cost pressures. The principle of a reduced notice period in the change proposal to all relevant DNOs to decide when tariffs should be published is at odds with Ofgem being required to make a decision on its consultation.	The Working Group note that in terms of the comment that the CP inappropriately transfers decision-making powers from Ofgem to the DNOs, the CP is a Part 1 Matter and that Ofgem will decide whether such an approach is acceptable to them or not. The Working Group discussed that the approach to a reduced notice period had not been fully agreed to take forward and that decision will come following their review of consultation responses. The Working Group considered whether submitting an alternative solution (i.e., including the notice period as a second option) would be an appropriate way forward. The Working Group also considered the impact that Ofgem's consultation on the notice period requirement for the first two years of ED3 but that Ofgem's decision on this remained outstanding at the time of reviewing responses. The Working Group believe that strengthened wording and the notification will alleviate some of the concerns raised regarding the use of 13 months being an exception rather than a rule.
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		The consultation does not examine measures that allows the 15-month notice period to be adhered to, instead of the notice period being reduced: The consultation does not examine steps that could be taken to ensure that the 15-month notice period to be adhered to for setting tariffs. Rather, it appears that the default approach is to extend the deadline for the publication of tariffs. We view the absence of a discussion of measure(s) that could allow the 15-month notice period to be adhered to, instead of extending the deadline for tariff publication, as a critical weakness of the consultation. Our view is reinforced by the following: • The workgroup members recognised that a reduced notice could cause detriment; • The relevant issue(s) that could prevent tariffs being calculated are already known; and • The workaround solutions that allow tariffs to be calculated if the known issue(s) arise are also known and have been applied since 2023; and • Ofgem has previously approved the workarounds that DCP477 seeks to codify. Another critical weakness of the consultation is that progress in identifying and implementing solutions that address the underlying issues that DCP477 relates to has not been discussed. Rather, it appears that efforts have been focused on modifying the DCUSA to make it administratively easier to deviate from the established charging methodology. The potentially affected DNOs could submit early derogation requests to avoid tariff publication being delayed: In any event, it has not been demonstrated why a reduced notice period is necessary. The proposal for a reduced notice period appears to be (partially) influenced by Ofgem agreeing to a reduced notice period when Ofgem approved previous derogation requests. On those occasions, Ofgem allowed additional time from the approval of previous derogation requests for tariff publication. In other words, the additional time allowed was based on the timing of the decisions on the derogation requests. We expect that the potentially affected DNOs should already have sufficient information available to them that would indicate whether they may encounter issues setting 2028-29 tariffs. The potentially affected DNOs could, for example, submit derogation requests now which would increase the opportunity for the tariffs being published according to the existing schedule. Furthermore, early derogation requests (even informal) could facilitate earlier decisions from Ofgem. We infer from the consultation that it has been presumed that DCP477 will be approved and will be approved in a timely manner. There is no guarantee that either will happen and 2028-29 tariffs	With respect to the suggestion of affected DNOs submitting early derogation requests, the Working Group noted this falls outside of what the Working Group can dictate and would be for individual DNOs to consider, although it was noted that final revenues aren't known until the PCFM process has completed and thus there would be a limit to what such an early derogation request could achieve.
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		must be published regardless of whether Ofgem approves the change proposal. It would be prudent for the potentially affected DNOs to submit early derogation requests now so that Ofgem's assessment process does not result in the notice period being shortened.	
SSE Energy Customer Services	Non-Confidential	We agree that the matter of the DUoS notice period in instances where the EDCM (FCP version) returns negative residuals ought to be addressed under this change proposal to provide clarity for the affected parties, including DNOs, IDNOs and suppliers, about the end-to-end process and to avoid the need for further derogations wrt the DUoS notice period in the context of EDCM negative residuals.	The Working Group noted that this respondent agreed.

Working Group Summary

Five respondents clearly supported including a reduced notice period. Their principal rationale was that applying an intervention option may require additional analysis, assurance, governance and internal approval after the allowed-revenue position has become sufficiently certain. Respondents also saw codification as providing greater certainty and avoiding repeated derogation applications.

Two further respondents supported flexibility only subject to qualifications, as outlined below:

- Accepting of the fact that additional time may sometimes be required, but arguing that the reduced period must be an exception rather than a routine alternative publication timetable. It proposed a requirement for the DNO to demonstrate that it acted reasonably and promptly but could not complete and validate the intervention within the standard period.
- Accepting that a short reduction may be appropriate while FCP continues to be used, but questioned the consistency of different publication dates and raised interactions with DCP469. It also invited consideration of whether all DNOs should ultimately use LRIC rather than FCP.

One respondent opposed the proposal. Its objections related to the scope and governance of DCP 477, the transfer of discretion from Ofgem to DNOs, the absence of sufficient analysis of how the 15-month deadline could still be achieved, and the potential effects on competition and customers. It suggested that, if a reduced period is required, the issue should be progressed through a separate change proposal.

Question 2

Company	Confidential/ Anonymous	Do you agree the proposed notice period of 13 months (reduced from 15 months) is appropriate? Please provide your rationale for agreeing or disagreeing.	Working Group Comments
SP Energy Networks	Non-Confidential	Yes, we agree that this is appropriate, although we also agree that it will not always be necessary, and is dependent on the individual circumstances.	The Working Group noted that this respondent agreed.
The Electricity Network Company Ltd.	Non-Confidential	We do not object to a 13-month notice period being available in exceptional circumstances. However, our assessment is dependent on the reduced notice period being limited to circumstances where the intervention measures could not reasonably be completed within the standard 15-month notice period. We would not support arrangements that could be interpreted as providing an alternative publication timetable or reducing incentives for timely completion of tariff-setting activities. Provided the legal text clearly establishes that the standard notice period remains the default expectation, a 13-month notice period appears to be a reasonable backstop where additional time is genuinely required.	Noted, WG will review legal drafting to ensure it contains appropriate wording if taking the reduced notice period option forward.
National Grid Electricity Distribution	Non-Confidential	NGED supports the proposed 13-month notice period. This aligns with previous Ofgem-approved derogations and provides a practical balance between allowing sufficient time for DNOs to complete the necessary charging and assurance activities while still providing stakeholders with appropriate advance notice.	The Working Group noted that this respondent agreed.
Northern Powergrid	Non-Confidential	Yes, the extra 2 months is in line with previous derogations granted by Ofgem and, as above, would allow the affected DNO(s) to identify the issue and apply the relevant solution.	The Working Group noted that this respondent agreed.
Scottish and Southern Electricity Networks	Non-Confidential	We agree this is a reasonable backstop based on precedent approved by Ofgem to date. The legal text is worded to allow DNOs to publish earlier where possible, but this could perhaps be made clearer by aligning to wording used by Ofgem in previous Directions i.e. 'affected DNOs must publish charges as soon as reasonably practicable but no later than 13 months prior to the commencement of the Charging Year to which those charges relate.'	The Working Group noted that this respondent agreed, and that they also provided useful drafting which can be reflected in the legal text.
UK Power Networks	Non-Confidential	Where further work on the EDCM changes has been required for those DNOs using the FCP methodology to ensure that negative fixed charges do not exist, then two months has been the maximum that any charges have been delayed, as such we believe that this would be an appropriate period of time.	The Working Group noted that this respondent agreed.

Centrica	Non-Confidential	The proposed notice period of 13 months is not appropriate. Please see the answer to question 1.	The Working Group noted that this respondent disagreed.
SSE Energy Customer Services	Non-Confidential	As a business supplier, our preference is that the 15-month DUoS notice period is applied at all times to deliver maximum benefit to our customers by way of minimising any risk premium to be applied to customer tariffs. However, we acknowledge that specific circumstances can arise where a small amount of shortening the notice period is necessary, although we are not able to comment specifically on the case presented under 7.7 of the second consultation document. We note that the legal text sets out the shortened notice as being no more than 13 months (Section 2A, 19.1BA). We would therefore expect that where a DNO can provide notice sooner than that, they will do so.	The Working Group noted that this respondent agreed, and as above, the Working Group will review legal drafting to ensure it contains appropriate wording if taking the reduced notice period option forward.
Working Group Conclusions Seven respondents supported or accepted the use of a reduced notice period of 13-months, although some did so conditionally. The reasons given were that two-month reduction (from 15-months to 13-months) reflected previous notice period reductions allowed by way of an Ofgem derogation and which also represented the maximum delay experienced previously, giving impacted DNOs sufficient time to undertake the necessary work while preserving substantial advance notice. Of those seven, two linked their support of the reduced notice period of 13-months to the proposition that it only be used as a backstop in exceptional circumstances where it is genuinely required and that the standard 15-months' notice period should continue to be seen as the default. One respondent proposed wording requiring affected DNOs to publish "as soon as reasonably practicable" and no later than 13 months before the relevant Charging Year. One respondent considered 13 months inappropriate for the reasons set out in its response to Question 1.			

Question 3

Company	Confidential/ Anonymous	Do you agree with the proposal to require affected DNOs to provide direct email notification to impacted parties when an intervention option is applied and publication of charges will be delayed? If not, why not? If so, then do you believe that the latest date that this should occur on is 20 December in a given year? If not, please suggest an alternative date and reasons for that date.	Working Group Comments
SP Energy Networks	Non-Confidential	Yes, we believe that it's necessary to provide affected parties with notice of any delay. The 20th of December seems a reasonable date.	The Working Group noted that this respondent agreed with direct email notification and that 20 December is an appropriate date
The Electricity Network Company Ltd.	Non-Confidential	Yes, if a reduced notice period is utilised, direct notification should be required. This will ensure that impacted parties, particularly IDNOs, which have a limited time period to analyse all charges before mirroring and to complete the necessary internal processes for sign-off and publication, as well as suppliers and other affected organisations, have appropriate visibility of any delay and can plan accordingly. We also support the proposed date of 20 December as the latest date for industry notification. This provides sufficient advance notice while aligning with the existing Ofgem guidance and assessment process referenced within the consultation.	The Working Group noted that this respondent agreed with direct email notification and that 20 December is an appropriate date
National Grid Electricity Distribution	Non-Confidential	NGED supports the requirement for direct notification to impacted parties where intervention options are applied and charges will be published under a reduced notice period. This maintains transparency and stakeholder awareness that would otherwise be provided through the derogation process. NGED supports 20 December as the latest notification date. The impacted parties should be the DCUSA contract managers.	The Working Group noted that this respondent agreed with direct email notification and that 20 December is an appropriate date
Northern Powergrid	Non-Confidential	Yes, we agree the affected DNOs should provide direct email notification to impacted parties, and we also agree that the latest date this should occur is 20 December.	The Working Group noted that this respondent agreed with direct email notification and that 20 December is an appropriate date
Scottish and Southern Electricity Networks	Non-Confidential	Yes. Currently notification to industry parties of a Derogation comes via Ofgem but given we're trying to mitigate the need for Derogations, this obligation should fall on affected DNOs to ensure all industry parties are aware and can plan workload / resource, as necessary. The 20th December date is consistent with the previous Ofgem guidance document and has been retained for consistency. The 14 day notice period for the PCFM should be complete by this date meaning no	The Working Group noted that this respondent agreed with direct email notification and that 20 December is an appropriate date

		further changes to allowed revenues and hence DNOs can say with certainty if they will be affected by excessive surplus residual revenue.	
UK Power Networks	Non-Confidential	We agree that the affected DNO(s) would need to contact impacted parties by email to notify them that publication for impacted regions will be delayed, but we believe that there is no reason why this needs to be in advance of the expected publication date, but parties would need to be informed no later than prior to when the charges would have been expected to be published.	The Working Group noted that this respondent agreed with direct email notification, but that 31 December would be sufficient for the date of when notice is given.
Centrica	Non-Confidential	We do not agree with the proposal that affected DNOs should provide direct email notification to impacted parties when an intervention option is applied and publication of charges will be delayed. We do not support a reduced notice period and, therefore, do not believe that the existing arrangements should be changed. The relevant DNOs should continue to submit derogation requests and Ofgem should continue to publish its decisions on derogation requests.	The Working Group noted that this respondent disagreed.
SSE Energy Customer Services	Non-Confidential	We agree with the proposed provisions under Section 2A, clause 19.1BB.	The Working Group noted that this respondent agreed with direct email notification.

Working Group Conclusions

Seven respondents supported direct notification where publication will be delayed. Respondents regarded notification as necessary to preserve transparency and enable IDNOs, Suppliers and other affected parties to plan their own activities accordingly. One respondent opposed changing the existing arrangements because it considered that DNOs should continue to seek derogations and that Ofgem should continue to publish the resulting decisions.

Five respondents expressly supported 20 December as the latest notification date. They cited consistency with existing Ofgem guidance and the expectation that the 14-day PCFM notice process would be complete, allowing DNOs to know (in absolute terms) whether they were affected.

One respondent supported notification but proposed a different trigger, being that parties should be notified no later than immediately before the date on which the charges would otherwise have been expected.

Question 4

Company	Confidential/ Anonymous	Do you agree with the proposal to include a relative notice period adjustment (i.e., no later than one month after the host DNO has published charges) for LDNOs? If not, please suggest an alternative approach. And in either case, please provide your rationale for agreeing or disagreeing.	Working Group Comments
SP Energy Networks	Non-Confidential	Yes, we agree with this, as one month is in line with current arrangements for IDNO charges.	The Working Group noted that this respondent agreed.
The Electricity Network Company Ltd.	Non-Confidential	Yes, we support the proposal that LDNOs publish charges no later than one month after the relevant host DNO has published its charges. As most LDNO charging arrangements are dependent on host DNO charges, a relative adjustment is more practical than a fixed timetable. This approach is also consistent with previous arrangements approved by Ofgem.	The Working Group noted that this respondent agreed.
National Grid Electricity Distribution	Non-Confidential	NGED supports the proposed relative notice period adjustment for LDNOs, requiring publication no later than one month after the host DNO publishes its charges.	The Working Group noted that this respondent agreed.
Northern Powergrid	Non-Confidential	Yes, this is in line with the current charging arrangements where IDNOs have a notice period 1 month less than their Host DNO.	The Working Group noted that this respondent agreed.
Scottish and Southern Electricity Networks	Non-Confidential	Yes, the relative notice period is appropriate and consistent with current practice. If a DNO is able to publish earlier than the 13 month backstop, having a relative notice period for IDNOs means one less direction to derogate is required from Ofgem.	The Working Group noted that this respondent agreed.
UK Power Networks	Non-Confidential	One month would appear to be sufficient for IDNOs, as this is in line with the current delay in IDNOs setting their charges following the publication by DNOs.	The Working Group noted that this respondent agreed.
Centrica	Non-Confidential	We do not agree with the proposal to include a relative notice period adjustment. Please see the answer to question 3.	The Working Group noted that this respondent disagreed.
SSE Energy Customer Services	Non-Confidential	We agree.	The Working Group noted that this respondent agreed.
Working Group Conclusions			

Seven respondents supported the LDNO deadline of no later than one month after the host DNO publishes its charges. The common rationale was that LDNO charges depend on host DNO charges and that a one-month relative period aligns with current arrangements and practice.

One respondent opposed the proposal by reference to its wider objection to changing the existing derogation and notice-period arrangements.

Question 5

Company	Confidential/ Anonymous	Do you believe that any additional consumer, supplier or operational impacts should be considered?	Working Group Comments
SP Energy Networks	Non-Confidential	None identified.	Noted
The Electricity Network Company Ltd.	Non-Confidential	We have not identified additional impacts other than those mentioned in the consultation	Noted
National Grid Electricity Distribution	Non-Confidential	NGED does not consider there to be any additional consumer, supplier or operational impacts. The changes formalise arrangements already approved through previous derogations, improving certainty and reducing administrative burden while maintaining an appropriate charging process.	Noted
Northern Powergrid	Non-Confidential	No	Noted
Scottish and Southern Electricity Networks	Non-Confidential	Not at this time.	Noted
UK Power Networks	Non-Confidential	There would be an impact on Customers within a specific DNO region(s) due to solely where they are located as they would not have their DUoS charges published to the notice period which would otherwise be expected. However, this is unlikely to cause any significant or material issue, as this change is proposing a short and appropriate delay only.	Noted
Centrica	Non-Confidential	It is necessary that consumer, supplier or operational impacts of a reduced notice period should be considered. Our primary concerns about a reduced notice period are that it: creates unnecessary costs for customers at the time when both domestic and non-domestic customers are already facing significant cost pressures (because of the potential inclusion of risk premia in energy contracts).	The Working Group noted that this respondent raised concerns regarding consumer, supplier or operational impacts of a reduced notice period and agreed that they would include these comments/concerns in change report.

		- will likely reduce competition for fixed-price energy contracts for non-domestic customers - risks making the retail market even further uninvestible.	
SSE Energy Customer Services	Non-Confidential	No comments at this point in time.	Noted
Working Group Conclusions Six respondents identified no additional impacts or offered no further comment. One respondent identified a geographic timing difference for customers in affected DNO regions, although it considered that the short delay was unlikely to cause a significant or material issue. One respondent listed several impacts that it believed ought to be considered, being that a reduced notice period would: - create unnecessary costs for customers at the time when both domestic and non-domestic customers are already facing significant cost pressures (because of the potential inclusion of risk premia in energy contracts). - likely reduce competition for fixed-price energy contracts for non-domestic customers - risk making the retail market even further uninvestable.			

Question 6

Company	Confidential/Anonymous	Do you have any comments on the proposed legal text?	Working Group Comments
SP Energy Networks	Non-Confidential	We believe the legal text is clearly drafted and provides useful information on which steps should be taken and when.	Noted
The Electricity Network Company Ltd.	Non-Confidential	We support the proposed legal text insofar as it formalises intervention measures that have previously been approved by Ofgem and reduces the need for repeated derogation requests. This should help improve certainty and reduce the risk of delayed charge publication. However, we consider that the legal drafting should be strengthened to make clear that: The standard notice period remains the default expectation. The reduced notice period is available only where the DNO can demonstrate that the intervention measures could not reasonably be applied in time to meet the standard notice period.	The Working Group have included the words “and where it is not reasonably practicable for the Company to comply with periods of notice described in Clause 19.1A,” within the text for Clause 19.1BA to ensure that it is clear that the reduced notice period doesn’t apply automatically just because one of the intervention options has been used and that the

		DNOs should continue to take all reasonable steps to publish charges within the standard timetable.	reduced notice period would only be used where the DNO couldn't meet the 15-month notice period.
National Grid Electricity Distribution	Non-Confidential	NGED broadly supports the proposed legal text. The methodology and intervention options should be included within DCUSA; however, it is important that the associated notice period provisions are also retained, reflecting the approach previously accepted by Ofgem through derogation guidance and providing a practical mechanism for implementation where intervention options are required.	Noted
Northern Powergrid	Non-Confidential	Paragraph 18.24 (a) – think this should read 'previous Charging Year' rather than 'previous Charging' Paragraph 18.26 – this paragraph is a bit confusing/bulky	With respect to Paragraph 18.24 (a) the Working Group agreed to correct the error identified and at the same time to ensure all references to 'Charging Year' were appropriately capitalised. With respect to Paragraph 18.26 the Working Group agreed to some minor adjustments to improve readability and sought further suggestions for refinement from the legal advisors.
Scottish and Southern Electricity Networks	Non-Confidential	As mentioned in Q2.	The Working Group agreed to take forward the suggested drafting inclusion of wording to the effect of "as soon as reasonably practicable".
UK Power Networks	Non-Confidential	We do not believe that the references to this solution being an interim solution at the start of Schedule 17 Clause 18.22 is necessary as if approved and no other solution is ever brought forward then this would be the enduring solution, as a result the drafting should reflect that. There are changes proposed to Section 2A Clause 19.1 which is also proposed to be changed as a result of DCP469, depending upon the timing of these changes, the legal text for both changes might need to be considered.	Noted, but a medium-term solution is expected to be raised, and an enduring solution is likely under the DUoS SCR once that is restarted. With respect to the interaction with DCP 469, the Working Group acknowledged this concern but noted that as it stands, DCP 469 slightly lags behind the development of DCP 477 and will likely be decided upon by Ofgem later than DCP 477 that it will be for the DCP 469 Working Group to ensure that any amendments impacting the same text

			are accounted for in their legal drafting.
Centrica	Non-Confidential	n/a	Noted
SSE Energy Customer Services	Non-Confidential	No comments at this point in time.	Noted

Working Group Conclusions

Three respondents broadly supported the legal text as drafted, with one of those reinforcing the point that the text could be “strengthened to make clear that the standard notice period remains the default expectation”. Two respondents provided no comments on the legal text as drafted. Three respondents put forward several specific changes, including:

1. One respondent who had suggested the inclusion of wording to the effect of “as soon as reasonably practicable” with respect to the notice period requirements, which the same respondent had proposed in their response to Question 2.
2. One respondent who had suggested a that paragraph 18.24(a) in Schedule 17 should say “previous Charging Year” rather than “previous Charging” and that they considered paragraph 18.26 as confusing or bulky.
3. One respondent who argued that the Schedule 17 drafting should not label the solution “interim”, because it could become enduring if no replacement is developed and that Section 2A clause 19.1 is also affected by DCP469 and that the two sets of legal text may require reconciliation depending on implementation timing.

With respect to the first of the above suggestions, the Working Group agreed to take forward the suggested drafting inclusion of wording to the effect of “as soon as reasonably practicable”.

With respect to the second of the above suggestions, the Working Group agreed to correct the error identified and at the same time to ensure all references to ‘Charging Year’ were appropriately capitalised. On the second part of the second point above, the Working Group agreed to some minor adjustments to improve readability but believed that further suggestions for refinement could be sought from the legal advisors.

With respect to the third point above, the Working Group disagreed that the wording of the solution being an interim solution be removed as it is in fact expected that a further change will be raised to enact a medium-term solution. It was noted that the drafting also mirrors that which will be implemented by DCP 450.

With respect to the second part of the third item above and the interaction with DCP 469, the Working Group acknowledged this concern but noted that as it stands, DCP 469 slightly lags behind the development of DCP 477 and will likely be decided upon by Ofgem later than DCP 477 that it will be for the DCP 469 Working Group to ensure that any amendments impacting the same text are accounted for in their legal drafting.