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Dear Mike,

CUSC Modifications Panel request on urgency for CMP272 'Aligning Condition C5 and C10 of the CUSC to the licence changes introduced by the Code Governance Review Phase 3'

On 8 December 2016, National Grid (the 'Proposer') raised Connection and Use of System Code ('CUSC') modification proposal CMP272 'Aligning Condition C5 and C10 of the CUSC to the licence changes introduced by the Code Governance Review Phase 3'. CMP272 seeks to reflect changes in the transmission licence introduced by the Code Governance Review (Phase 3) – namely the Significant Code Review process – into the CUSC and in particular sections 8 and 11 of the CUSC.

The Proposer requested that CMP272 be treated as Self-Governance. At a CUSC Panel meeting on 14 December, the CUSC Modifications Panel (the 'Panel') did not consider that CMP272 met the Self-Governance criteria and recommended that CMP272 be developed by a Workgroup following an urgent timetable.

On 19 December 2016, you wrote to inform us of the Panel's majority view that CMP272 should be treated as urgent as there is a requirement to implement these changes within the CUSC by 31 March 2017.

This letter **gives our approval** for CMP272 to be progressed on an urgent basis, following the Panel's proposed timetable set out in the Appendix to your letter.

Our decision

We have considered the request and views of the Panel on urgency. On balance, we consider that the proposed modification does meet our criteria for urgency. Specifically, we view CMP272 as addressing "...a current issue that if not urgently addressed may cause a party to be in breach of any legal requirement".¹ The legal requirement in this instance being the licence obligation to have in place the corresponding changes (introduced by the Code Governance Review (Phase 3)) in the CUSC by 31 March 2017.

We note that the CUSC modification process is designed to allow sufficient opportunity for industry to consider, and submit their views about, a modification proposal. We

¹ https://www.ofgem.gov.uk/system/files/docs/2016/02/160217_urgency_letter_and_amended_criteria_2.pdf

consider that this should apply in the case of CMP272, albeit based on an accelerated urgent timetable as supported by the majority of the Panel. We note that CMP272 was originally raised on 29 September but withdrawn as a result of inaccuracies. We are disappointed that the Proposer delayed bringing this modification to the Panel giving rise to the need for an urgent timetable to be requested.

In granting this request for urgency, we have made no assessment of the merits of the proposal and nothing in this letter in any way fetters our discretion in respect of this proposal.

Yours sincerely,

Lesley Nugent
Head, Industry Codes & Licensing
Duly authorised on behalf of the Authority