



## **CONSULTATION DOCUMENT VOLUME 1**

### **CUSC Amendment Proposal CAP176**

#### **Correction of errors contained in the provisions for post-implementation reviews for Urgent Amendment Proposals**

*The purpose of this document is to  
consult on Amendment Proposal CAP176  
with CUSC Parties and other interested  
Industry members*

|               |                              |
|---------------|------------------------------|
| Amendment Ref | CAP176                       |
| Issue         | 1.0                          |
| Date of Issue | 7 <sup>th</sup> October 2009 |
| Prepared by   | National Grid                |

**Please note responses to this consultation are due by 5pm on  
the 29<sup>th</sup> of October to [cusc.team@uk.ngrid.com](mailto:cusc.team@uk.ngrid.com)**

I DOCUMENT CONTROL

a National Grid Document Control

| Version | Date     | Author        | Change Reference        |
|---------|----------|---------------|-------------------------|
| 1.0     | 07/10/09 | National Grid | Version for publication |
|         |          |               |                         |

b Distribution

| Name                                       | Organisation |
|--|--------------|
| The Gas and Electricity Markets Authority  | Ofgem        |
| CUSC Parties                               | Various      |
| Panel Members                              | Various      |
| National Grid Industry Information Website |              |

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## **1.0 SUMMARY AND RECOMMENDATIONS**

### **Executive Summary**

- 1.1 CAP176 *Correction of errors contained in the provisions for post-implementation reviews for Urgent Amendment Proposals* was submitted to the Amendments Panel for consideration on the 25<sup>th</sup> September 2009. The Proposer requested that the Amendment Proposal proceed directly to wider consultation by The Company.
- 1.2 CAP176 seeks to amend the process described in CUSC 8.21.1.9 through which a review will be conducted following implementation of an Urgent Amendment Proposal. This proposal seeks to make explicit how such a review will take place and tidy up the existing CUSC provision which currently contains some errors.
- 1.3 The proposal also seeks to correct a similar error in the clause relating to post-implementation review after implementation of an amendment in accordance with the Transmission Licence other than pursuant to the standard Amendment Procedures (8.23.5).

### **Amendments Panel's View**

- 1.4 The Amendments Panel agreed that CAP176 should proceed directly to wider consultation by the Company for a period of three weeks.

### **National Grid's View**

- 1.5 As proposer, National Grid supports implementation of CAP176 on the basis that it better achieves the Applicable CUSC Objectives by clarifying the process through which a post-implementation review will take place following implementation of an Urgent Amendment Proposal.
- 1.6 It also better achieves the Applicable CUSC Objectives by clarifying the process through which a post-implementation review will take place following amendment to the CUSC in accordance with the Transmission Licence (other than pursuant to the standard Amendment Procedures).

## **PURPOSE AND INTRODUCTION**

- 2.1 This is a consultation document issued by National Grid under the rules and procedures specified in the Connection and Use of System Code (CUSC) as designated by the Secretary of State.
- 2.2 Further to the submission of Amendment Proposal CAP176, this document seeks views from industry members relating to the Amendment Proposal.
- 2.3 CAP176 was proposed by National Grid and submitted to the CUSC Amendments Panel for consideration at their meeting on the 25<sup>th</sup> September 2009. The Amendments Panel determined that CAP176 was appropriate to proceed to wider industry consultation by National Grid.
- 2.4 Representations received in response to this consultation document will be included in National Grid's Amendment Report that will be furnished to the Authority for their decision.

- 2.5 This consultation document has been prepared in accordance with the terms of the CUSC. An electronic copy can be found on the National Grid website, at [www.nationalgrid.com/uk/Electricity/Codes/](http://www.nationalgrid.com/uk/Electricity/Codes/). This document invites views upon CAP176 and the **closing date for responses is 5pm on the 29<sup>th</sup> of October 2009.**

### **3.0 PROPOSED AMENDMENT**

- 3.1 CAP176 seeks to amend the process described in the CUSC through which a review will be conducted following implementation of an Urgent Amendment Proposal (8.21.1.9). This proposal seeks to make explicit how such a review will take place and tidy up the existing CUSC provisions which currently contain some errors.
- 3.2 The current wording within the CUSC regarding post-implementation review following implementation of an Urgent Amendment Proposal contains a defect in that reference is made to Working Group Alternative Amendments (WGAAs), and the possibility for Working Groups to conduct the review. Under the CUSC provisions this would in fact not be possible as following implementation there would be no Working Group established through which such a review could be conducted nor original Amendment Proposal to which a WGAA may be raised. As such the provisions within the CUSC could not reasonably be applied to such a post-implementation review, and recent experience (particularly with CAP168 and CAP170 which were progressed as Urgent Amendment Proposals) has shown that the deficiency in this wording has caused confusion with regards the interpretation of the clause.
- 3.3 CAP176, therefore, seeks to introduce appropriate provisions within CUSC 8.21.1.9 to reflect how such a post-implementation review of an Urgent Amendment Proposal would be conducted i.e. by Standing Group, with reference being made to a possible alternative amendment which may be developed.
- 3.4 Currently the CUSC provisions require that such a review “shall” be carried out in all circumstances following implementation of an Urgent Amendment Proposal. CAP176 seeks to introduce that such a review “may” be conducted, or “shall” only where there appears to be a reasonable level of support for such a review. This enhancement to the existing provision should ensure that such a review only takes place where it is deemed to be necessary by the CUSC Amendments Panel.
- 3.5 Section 8.23.5 of the CUSC describes the process through which a review will be conducted should amendment to the CUSC be made in accordance with the Transmission Licence (other than pursuant to the standard Amendment Procedures). This clause also makes reference to WGAAs – which, as with the post-implementation review for an Urgent Amendment Proposal, is not appropriate as a WGAA could not be raised with no original Amendment Proposal against which to raise such a WGAA. Therefore, CAP176 seeks to clarify that the review would seek to determine if an alternative amendment would better facilitate the objectives as opposed to a WGAA.

## **4.0 ASSESSMENT AGAINST APPLICABLE CUSC OBJECTIVES**

### **Proposed Amendment**

4.1 The Proposer considers that CAP176 would better facilitate the following Applicable CUSC Objectives:

- (a) *the efficient discharge by the Licensee of the obligations imposed upon it by the act and the Transmission Licence;*

By clarifying the process through which a post-implementation review will take place following implementation of an Urgent Amendment Proposal; and clarifying the process through which a post-implementation review will take place following amendment to the CUSC in accordance with the Transmission Licence (other than pursuant to the standard Amendment Procedures).

## **5.0 PROPOSED IMPLEMENTATION**

5.1 National Grid proposes that CAP176 should be implemented three Business Days following a decision by the Authority. In accordance with 8.19.10(b) views are invited on this proposed implementation date.

## **6.0 IMPACT ON THE CUSC**

6.1 CAP176 requires amendment to sections 8.21.1.9 and 8.23.5 of the CUSC.

6.2 The text required to give effect to the Amendment Proposal is contained as Annex 1 of this document.

## **7.0 IMPACT ON INDUSTRY DOCUMENTS**

### **Impact on Core Industry Documents**

7.1 CAP176 has no impact upon Core Industry Documents.

### **Impact on other Industry Documents**

7.2 CAP176 has no impact upon other Industry Documents.

## **8.0 NATIONAL GRID VIEW**

8.1 As proposer, National Grid supports implementation of CAP176 on the basis that it better achieves the Applicable CUSC Objectives. National Grid considers that CAP176 would clarify the process through which a post-implementation review would take place following implementation of an Urgent Amendment Proposal. CAP176 would also clarify the process through which a post-implementation review will take place following amendment to the CUSC in accordance with the Transmission Licence (other than pursuant to the standard Amendment Procedures).

## 9.0 VIEWS INVITED

- 9.1 National Grid is seeking the views of interested parties in relation to the issues raised by Amendment Proposal CAP176 and issues arising from the proposed timescale for implementation of CAP176.
- 9.2 Please send your responses to this consultation to National Grid by no later than 5pm on **29<sup>th</sup> October 2009**.
- 9.3 Please address all comments to the following e-mail address:  
[Cusc.Team@uk.ngrid.com](mailto:Cusc.Team@uk.ngrid.com)

## ANNEX 1 – PROPOSED LEGAL TEXT TO MODIFY THE CUSC

The proposed legal text to modify the CUSC is detailed below by:

- inserting the coloured, underlined text
- deleting the coloured, struck through text

8.21.1.9 Where an **Urgent Amendment Proposal** results in an amendment being made in accordance with Paragraph ~~8.21.1.5~~ 8.23, the **Amendments Panel** ~~may or (where it appears to the Amendments Panel that there is a reasonable level of support for a review amongst CUSC Parties) shall, following such amendment, action a Standing Group determine whether or by a Working Group~~ in accordance with ~~Paragraphs 8.17 or~~ 8.18 on terms specified by the **Amendments Panel** ~~in order~~ to consider and report as to whether any alternative amendment ~~Working Group Alternative Amendment~~ could, as compared with ~~the such~~ amendment ~~being made~~ better facilitate achieving the **Applicable CUSC Objectives** in respect of the subject matter of that **Urgent Amendment Proposal**.

8.23.5 If an amendment is made to the **CUSC** in accordance with the **Transmission Licence** but other than pursuant to the other **Amendment Procedures** in this Section 8, the **Amendments Panel** shall determine whether or not to submit the amendment for review by a **Standing Group** in accordance with Paragraph 8.18 on terms specified by the **Amendments Panel** ~~in order~~ to consider and report as to whether any alternative amendment ~~Working Group Alternative Amendment~~ could, as compared with ~~the such~~ amendment ~~being made~~ better facilitate achieving the **Applicable CUSC Objectives** in respect of the subject matter of the original amendment.

## ANNEX 2 – AMENDMENT PROPOSAL FORM

| <b>CUSC Amendment Proposal Form</b>  | <b>CAP:176</b> |
|--|----------------|
| <p><b>Title of Amendment Proposal:</b><br/>Correction of errors contained in the CUSC provisions for post-implementation reviews for Urgent Amendment Proposals</p>  |                |
| <p><b>Description of the Proposed Amendment</b> <i>(mandatory by proposer):</i></p> <p>This Amendment Proposal seeks to amend the process described in the CUSC through which a review will be conducted following implementation of an Urgent Amendment Proposal (8.21.1.9). This proposal seeks to make explicit how such a review will take place and tidy up the existing CUSC provisions which currently contain some errors.</p> <p>The proposal also seeks to correct an error in the clause relating to post-implementation review after implementation of an amendment in accordance with the Transmission Licence other than pursuant to the standard Amendment Procedures (8.23.5).</p>   |                |
| <p><b>Description of Issue or Defect that Proposed Amendment seeks to Address</b> <i>(mandatory by proposer):</i></p> <p>The current wording within the CUSC regarding post-implementation review following implementation of an Urgent Amendment Proposal contains a defect in that reference is made to Working Group Alternative Amendments (WGAAAs), and the possibility for Working Groups to conduct the review. Under the CUSC provisions this would in fact not be possible as following implementation there would be no Working Group established through which such a review could be conducted nor Amendment Proposal to which a WGAA may be raised. As such the provisions within the CUSC could not reasonably be applied to such a post-implementation review, and recent experience (particularly with CAP168 and CAP170 which were progressed as Urgent Amendment Proposals) has shown that the deficiency in this wording has caused confusion with regards the interpretation of the clause.</p> <p>This Amendment Proposal, therefore, seeks to introduce appropriate provisions within CUSC 8.21.1.9 to reflect how such a post-implementation review of an Urgent Amendment Proposal would be conducted.</p> <p>The proposal also seeks to introduce that such a review “may” be actioned, or “shall” where there appears to be a reasonable level of support for such a review. This will ensure that such a review only takes place where it is deemed to be necessary by the CUSC Amendments Panel.</p> <p>Finally section 8.23.5 of the CUSC describes the process through which a review will be conducted should amendment to the CUSC be made in accordance with the Transmission Licence (other than pursuant to the standard Amendment Procedures). This clause also makes reference to WGAAAs – which again could not be raised in this instance as there will be no original Amendment Proposal against which such an alternative could be raised. As such this proposal seeks to clarify that the review would seek to determine if an alternative Amendment Proposal would better facilitate the objectives as opposed to a WGAA.</p> |                |
| <p><b>Impact on the CUSC</b> <i>(this should be given where possible):</i><br/>Sections 8.21.1.9 and 8.23.5 of the CUSC will require amendment.</p>  |                |
| <p><b>Impact on Core Industry Documentation</b> <i>(this should be given where possible):</i><br/>None</p>   |                |
| <p><b>Impact on Computer Systems and Processes used by CUSC Parties</b> <i>(this should be given where possible):</i><br/>None</p>   |                |



**Details of any Related Modifications to Other Industry Codes (where known):**

None

**Justification for Proposed Amendment with Reference to Applicable CUSC Objectives\*\***  
(mandatory by proposer):

National Grid believes that this proposal will better facilitate CUSC Applicable Objective (a):

***The efficient discharge by the licensee of the obligations imposed upon it under the Act and by the Transmission Licence*** by:

- i) Clarifying the process through which a post-implementation review will take place following implementation of an Urgent Amendment Proposal;
- ii) Clarifying the process through which a post-implementation review will take place following amendment to the CUSC in accordance with the Transmission Licence (other than pursuant to the standard Amendment Procedures)

|   |  |
|---|--|
| <b>Details of Proposer:</b><br>Organisation's Name:   | National Grid  |
| <b>Capacity in which the Amendment is being proposed:</b><br>(i.e. CUSC Party, BSC Party or "National Consumer Council")  | CUSC Party   |
| <b>Details of Proposer's Representative:</b><br>Name:<br>Organisation:<br>Telephone Number:<br>Email Address:   | Carole Hook<br>National Grid<br>01926 654211<br>carole.hook@uk.ngrid.com     |
| <b>Details of Representative's Alternate:</b><br>Name:<br>Organisation:<br>Telephone Number:<br>Email Address:  | Alex Thomason<br>National Grid<br>01926 656379<br>Alex.thomason@uk.ngrid.com |
| <b>Attachments (Yes/No): Yes</b><br><b>If Yes, Title and No. of pages of each Attachment:</b><br><br>Please see annex 1 to this Amendment Proposal for the proposed drafting to support the amendment (1 page). |  |