



AMENDMENT REPORT VOLUME 1

CUSC Amendment Proposal CAP178

Amendment to the process for the approval of CUSC Amendments Panel meeting minutes when a CUSC Amendments Panel meeting has been cancelled

*The purpose of this document is to
assist the Authority in their decision of whether to implement
Amendment Proposal CAP178*

Amendment Ref	CAP178
Issue	V1.0
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Prepared by	National Grid

a National Grid Document Control

Version	Date	Author	Change Reference
V0.1	12/11/09	National Grid	Draft for industry comment
V0.2	19/11/09	National Grid	Draft for Panel recommendation vote
V0.3	10/12/09	National Grid	Draft for Panel comment following recommendation vote
V1.0	18/12/09	National Grid	Formal version for submission to the Authority

b Distribution

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

II CONTENTS TABLE

1.0 SUMMARY AND RECOMMENDATIONS	3
2.0 PURPOSE AND INTRODUCTION	3
3.0 PROPOSED AMENDMENT	4
4.0 ASSESSMENT AGAINST APPLICABLE CUSC OBJECTIVES	4
5.0 PROPOSED IMPLEMENTATION	4
6.0 IMPACT ON THE CUSC.....	5
7.0 IMPACT ON INDUSTRY DOCUMENTS	5
8.0 NATIONAL GRID VIEW	5
9.0 INDUSTRY VIEWS AND REPRESENTATIONS	5
10.0 COMMENTS ON THE DRAFT AMENDMENT REPORT	6
11.0 AMENDMENTS PANEL RECOMMENDATION	6
12.0 NATIONAL GRID RECOMMENDATION.....	7
ANNEX 1 – PROPOSED LEGAL TEXT TO MODIFY THE CUSC.....	8
ANNEX 2 – AMENDMENT PROPOSAL FORM.....	9
ANNEX 3 – REPRESENTATIONS RECEIVED DURING CONSULTATION	12
ANNEX 4 – REPRESENTATIONS RECEIVED TO THE DRAFT AMENDMENT REPORT	15

1.0 SUMMARY AND RECOMMENDATIONS

Executive Summary

- 1.1 CAP178 Amendment to the process for the approval of CUSC Amendments Panel meeting minutes when a CUSC Amendments Panel meeting has been cancelled was submitted to the Amendments Panel for consideration on 30th October 2009. The Proposer requested that the Amendment Proposal proceed directly to wider consultation by The Company.
- 1.2 CAP178 proposes to amend section 8.8 of the CUSC to amend the governance process for the approval of CUSC Amendments Panel meeting minutes if a CUSC Amendments Panel meeting is cancelled.

Amendment Panel's View

- 1.3 At the Amendments Panel meeting on 27th November 2009, Panel Members voted unanimously that CAP175 better facilitates Applicable CUSC Objective (a) as it would improve the efficiency of the procedures in place for modification of the CUSC.

National Grid's View

- 1.4 As Proposer, National Grid considers that CAP178 will improve the process for approving CUSC Amendments Panel meeting minutes for both National Grid and the CUSC Amendments Panel. It will also achieve an improvement to the transparency of CUSC Amendments Panel proceedings. National Grid believes that this will help better facilitate Applicable Objective (a) the efficient discharge by the licensee of the obligations imposed upon it under the Act and by this licence, by helping to eliminate any unnecessary delay in the publication of the minutes to CUSC Parties.

2.0 PURPOSE AND INTRODUCTION

- 2.1 This Amendment Report has been prepared and 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 CAP178 (see Annex 2) and the subsequent wider industry consultation that was undertaken by National Grid, this document is addressed and furnished to the Gas and Electricity Markets Authority ("the Authority") in order to assist them in their decision whether to implement Amendment Proposal CAP178.
- 2.3 CAP178 was proposed by National Grid and submitted to the CUSC Amendments Panel for consideration at their meeting on the 30th October 2009. The Amendments Panel determined that CAP178 was appropriate to proceed to wider industry consultation by National Grid.
- 2.4 This document outlines the nature of the CUSC changes that are proposed. It incorporates National Grid's recommendations to the Authority concerning the Amendment. Copies of all representations received in response to the consultation have been included and a summary of the representations is also provided. Copies of each of the responses to the consultation are included in Annex 3 of this Amendment Report.

- 2.5 This Amendment Report 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/.

3.0 PROPOSED AMENDMENT

- 3.1 CAP178 seeks to amend the governance process for the approval of CUSC Amendments Panel meeting minutes if a CUSC Amendments Panel meeting is cancelled.
- 3.2 Currently under Section 8.8.4 of the CUSC, if a CUSC Amendments Panel meeting is cancelled the approval of the CUSC Amendments Panel meeting minutes from the previous month is then delayed until the next scheduled CUSC Amendments Panel meeting. This causes publication of the CUSC Amendments Panel meeting minutes to be delayed.
- 3.3 CAP178 will allow the draft minutes relating to the previous CUSC Amendments Panel meeting (including any proposed changes from Panel Members already received) to be circulated to the Panel Members at the same time as the meeting cancellation notice is issued, providing a second opportunity for Panel Members to suggest any amendments to the minutes or to confirm their approval.
- 3.4 Any suggested amendments and/or approval shall be confirmed (via email) within 5 Business Days of the circulation of the minutes. If approved without further amendment, the minutes will be published on the National Grid website. If no suggested amendments are received from the CUSC Panel Members within five Business Days, the minutes will be deemed to be approved. If further amendments are suggested, the draft minutes will remain unapproved until the next CUSC Amendments Panel meeting.

4.0 ASSESSMENT AGAINST APPLICABLE CUSC OBJECTIVES

Proposed Amendment

- 4.1 The Proposer considers that CAP178 would better facilitate the Applicable CUSC Objective:

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

through increasing the efficiency of the administration of the CUSC, as performed by National Grid, by helping to eliminate any unnecessary delay in the publication of the minutes to CUSC Parties, and also achieving an improvement to the transparency of Amendments Panel proceedings.

5.0 PROPOSED IMPLEMENTATION

- 5.1 National Grid proposes that CAP178 should be implemented ten Business Days after an Authority decision. No responses were received on this proposed implementation date following the Company consultation.

6.0 IMPACT ON THE CUSC

- 6.1 CAP178 requires amendments to section 8.8 of the CUSC.
- 6.2 The text required to give effect to CAP178 is contained Annex 1 of this document.

7.0 IMPACT ON INDUSTRY DOCUMENTS

Impact on Core Industry Documents

- 7.1 CAP178 has no impact on core Industry Documentation.

Impact on other Industry Documents

- 7.2 CAP178 has no impact upon other Industry Documents.

8.0 NATIONAL GRID VIEW

- 8.1 National Grid, as the Proposer of CAP178, is supportive of the Amendment Proposal, believing that it would better facilitate achievement of Applicable CUSC Objective (a). National Grid considers that CAP178 will eliminate any unnecessary delay in the publication of the minutes to CUSC Parties and also achieve an improvement to the transparency of CUSC Amendments Panel proceedings.

9.0 INDUSTRY VIEWS AND REPRESENTATIONS

- 9.1 CAP178 was issued to wider consultation by National Grid on 3rd November 2009 and received one representation. The following table provides an overview of representations received; a full copy is contained in Annex 3.

Reference	Company	Supportive	Comments
CAP178-CR-01	EDF Energy	Yes	<ul style="list-style-type: none"> The process proposed will allow quicker approval and publication of CUSC minutes to the wider transmission user community under certain circumstances This improves the general transparency of CUSC Amendments Panel proceedings and the service the panel can provide to the wider transmission community National Grid has clear obligations within the transmission licence to run the business of the CUSC efficiently, this change improves efficiency of administration of the CUSC and so slightly better facilitates Applicable CUSC Objective (a)

10.0 COMMENTS ON THE DRAFT AMENDMENT REPORT

10.1 National Grid received one response following the publication of the first draft of the Amendment Report on 12th November 2009. This response came from EDF Energy and indicated that the CAP178 draft Amendment Report is a reasonable re-statement of the case for CAP178, including a reasonable summary of the response from EDF Energy. EDF Energy notes that no new considerations appear to have arisen from the consultation exercise and, therefore, EDF Energy continues to support the Amendment Proposal. The response can be found in Annex 4 to this document.

11.0 AMENDMENTS PANEL RECOMMENDATION

11.1 At the meeting of the CUSC Amendments Panel on 27th November 2009, the Panel Members voted unanimously that CAP178 better facilitates achievement of Applicable CUSC Objective (a). None of the Panel Members voted that it better facilitates achievement of Applicable CUSC Objective (b).

11.2 The table below shows a breakdown of Panel Members' voting against the CUSC Applicable Objectives and the rationale for such votes. For ease of reference, the Objectives are reproduced here:

(a) the efficient discharge by the licensee of the obligations imposed upon it under the Act and by this licence; and

(b) facilitating effective competition in the generation and supply of electricity, and (so far as consistent therewith) facilitating such competition in the sale, distribution and purchase of electricity.

Panel Member (Representation in brackets)	Better meets Applicable CUSC Objective (a)
Barbara Vest (User)	Yes. CAP178 would better facilitate Applicable CUSC Objective (a) by improving the efficiency of the procedures in place for modification of the CUSC.
Bob Brown (User)	Yes. CAP178 would better facilitate Applicable CUSC Objective (a) by improving the efficiency of the procedures in place for modification of the CUSC.
Bob Brown acting as alternate for Abigail Hall (Consumer)	Yes. CAP178 would better facilitate Applicable CUSC Objective (a) by improving the efficiency of the procedures in place for modification of the CUSC.
Fiona Navesey (User)	Yes. CAP178 would better facilitate Applicable CUSC Objective (a) by improving the efficiency of the procedures in place for modification of the CUSC.
Garth Graham (User)	Yes. Mindful, in particular, of the comments in paragraphs 1.3, 3.2 and 8.1 of the report together with consultation responses, CAP178 would better facilitate Applicable CUSC Objective (a) by improving the efficiency of the procedures in place for modification of the CUSC.
Paul Jones (User)	Yes. CAP178 would better facilitate Applicable CUSC Objective (a) by improving the efficiency of the procedures in place for modification of the CUSC.
Paul Mott (User)	Yes. CAP178 would better facilitate Applicable CUSC Objective (a) by improving the efficiency of the procedures in place for modification of the CUSC.

Panel Member (Representation in brackets)	Better meets Applicable CUSC Objective (a)
Simon Lord (User)	Yes. CAP178 would better facilitate Applicable CUSC Objective (a) by improving the efficiency of the procedures in place for modification of the CUSC.
David Smith (National Grid)	Yes. CAP178 would better facilitate Applicable CUSC Objective (a) by improving the efficiency of the procedures in place for modification of the CUSC.

12.0 NATIONAL GRID RECOMMENDATION

- 12.1 National Grid, as the proposer of CAP178, is supportive of the Amendment Proposal, believing that it would better facilitate achievement of Applicable CUSC Objective (a). National Grid considers that CAP178 will increase the efficiency of the administration of the CUSC, as performed by National Grid, by eliminating any unnecessary delay in the publication of the minutes to CUSC Parties and achieving an improvement to the transparency of CUSC Amendments Panel proceedings.

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 and deleting the coloured, struck through text.

PROCEEDINGS AT MEETINGS

- 8.8.1 Subject as provided in the **CUSC**, the **Amendments Panel** may regulate the conduct of and adjourn and reconvene its meetings as it sees fit.
- 8.8.2 Meetings of the **Amendments Panel** shall be open to attendance by a representative of any **CUSC Party**, any **BSC Party** or the **National Consumer Council** and any person invited by the **Panel Chairman** and/or any other **Panel Member**.
- 8.8.3 The **Panel Chairman** and any other **Panel Member** may invite any person invited by them under Paragraph 8.8.2, and/or any attending representative of a **CUSC Party**, to speak at the meeting (but such person shall have no vote).
- 8.8.4 As soon as practicable after each meeting of the **Amendments Panel**, the **Panel Secretary** shall prepare and send (by electronic mail or otherwise) to **Panel Members** the minutes of such meeting, which shall be (subject to Paragraph 8.8.5) approved (or amended and approved) at the next meeting of the **Amendments Panel** after they were so sent, and when approved (excluding any matter which the **Amendments Panel** decided was not appropriate for such publication) shall be placed on **The Company Website**.
- 8.8.5 If, following the circulation of minutes (as referred to in Paragraph 8.8.4), the meeting of the **Amendments Panel** at which they were to be approved is cancelled pursuant to Paragraph 8.7.2, such minutes (including any proposed changes thereto which have already been received) shall be re-circulated with the notification of the cancellation of the meeting of the **Amendments Panel**. **Panel Members** shall confirm their approval of such minutes to the **Panel Secretary** (by electronic mail) no later than 5 **Business Days** following such minutes being re-circulated. If no suggested amendments are received within such 5 **Business Days** period, the minutes will be deemed to have been approved. If the minutes are approved, or deemed to have been approved, (excluding any matter which the **Amendments Panel** decided was not appropriate for such publication) they shall be placed on **The Company Website**. If suggested amendments are received within such 5 **Business Days** period, the minutes shall remain unapproved and the process for approval (or amendment and approval) of such minutes at the next meeting of the **Amendments Panel**, as described in Paragraph 8.8.4, shall be followed.

ANNEX 2 – AMENDMENT PROPOSAL FORM

CUSC Amendment Proposal Form	CAP:178
<p>Title of Amendment Proposal: Amendment to the process for the approval of CUSC Amendments Panel meeting minutes when a CUSC Amendments Panel meeting has been cancelled</p>	
<p>Description of the Proposed Amendment (<i>mandatory by proposer</i>): It is proposed to amend the governance process for the approval of CUSC Panel meeting minutes if a CUSC Amendments Panel meeting is cancelled. If a CUSC Amendments Panel meeting is cancelled, the draft minutes relating to the previous CUSC Amendments Panel meeting (including any proposed changes from Panel Members already received) will be circulated to the Panel Members at the same time as the meeting cancellation notice is issued, providing a second opportunity for Panel Members to suggest any amendments to such minutes, or to confirm their approval thereto.</p> <ul style="list-style-type: none"> • Any suggested amendments and/or approval shall be confirmed (via email) within 5 Business Days of the circulation of the minutes. • If approved, the minutes will be published on the National Grid website. • If no suggested amendments are received from CUSC Panel Members within such 5 Business Days period, the minutes will be deemed to have been approved. <p>However, if further suggested amendments are received during such 5 Business Days period, the minutes will remain unapproved and will follow the usual procedure for approval at the next CUSC Amendments Panel meeting.</p>	
<p>Description of Issue or Defect that Proposed Amendment seeks to Address (<i>mandatory by proposer</i>): Currently under Section 8.8.4 of the CUSC, if a CUSC Amendments Panel meeting is cancelled the approval of the CUSC Amendments Panel meeting minutes from the previous month are then delayed until the next scheduled CUSC Amendments Panel meeting. This then causes publication of the CUSC Amendments Panel meeting Minutes to be delayed.</p>	
<p>Impact on the CUSC (<i>this should be given where possible</i>): Changes would be required to section 8.8. of the CUSC</p>	
<p>Impact on Core Industry Documentation (<i>this should be given where possible</i>): There will be no impact on Core Industry Documentation.</p>	
<p>Impact on Computer Systems and Processes used by CUSC Parties: There will be no impact on Computer Systems or Processes used by CUSC Parties.</p>	
<p>Details of any Related Modifications to Other Industry Codes (<i>where known</i>): Not applicable.</p>	
<p>Justification for Proposed Amendment with Reference to Applicable CUSC Objectives**: The Proposed Amendment would better facilitate the achievement of the Applicable CUSC Objective contained within the Transmission Licence, as follows: <i>(a) the efficient discharge by the licensee of the obligations imposed upon it under the Act and by this licence; by helping to eliminate any unnecessary delay in the publication of the minutes to CUSC Parties, and also achieve an improvement to the transparency of CUSC Panel proceedings.</i></p>	

Details of Proposer: Organisation's Name:	National Grid Electricity Transmission plc
Capacity in which the Amendment is being proposed: (i.e. CUSC Party, BSC Party or "National Consumer Council")	CUSC Party
Details of Proposer's Representative: Name: Organisation: Telephone Number: Email Address:	Bali Virk National Grid Electricity Transmission plc 01926 656379 Bali.virk@uk.ngrid.com
Details of Representative's Alternate: Name: Organisation: Telephone Number: Email Address:	Carole Hook National Grid Electricity Transmission plc 01926 654211 Carole.hook@uk.ngrid.com
Attachments (Yes): If Yes, Title and No. of pages of each Attachment:	
Proposed revised 8.8	

Notes:

1. Those wishing to propose an Amendment to the CUSC should do so by filling in this "Amendment Proposal Form" that is based on the provisions contained in Section 8.15 of the CUSC. The form seeks to ascertain details about the Amendment Proposal so that the Amendments Panel can determine more clearly whether the proposal should be considered by a Working Group or go straight to wider National Grid Consultation.
2. The Panel Secretary will check that the form has been completed, in accordance with the requirements of the CUSC, prior to submitting it to the Panel. If the Panel Secretary accepts the Amendment Proposal form as complete, then he will write back to the Proposer informing him of the reference number for the Amendment Proposal and the date on which the Proposal will be considered by the Panel. If, in the opinion of the Panel Secretary, the form fails to provide the information required in the CUSC, then he may reject the Proposal. The Panel Secretary will inform the Proposer of the rejection and report the matter to the Panel at their next meeting. The Panel can reverse the Panel Secretary's decision and if this happens the Panel Secretary will inform the Proposer.

The completed form should be returned to:

Bali Virk
Commercial
National Grid
National Grid House
Warwick Technology Park
Gallows Hill
Warwick
CV34 6DA
Or via e-mail to: Bali.Virk@uk.ngrid.com

(Participants submitting this form by email will need to send a statement to the effect that the proposer acknowledges that on acceptance of the proposal for consideration by the Amendments Panel, a proposer which is not a CUSC Party shall grant a licence in accordance with Paragraph 8.15.7 of the CUSC. A Proposer that is a CUSC Party shall be deemed to have granted this Licence).

3. Applicable CUSC Objectives** - These are defined within the National Grid Electricity Transmission plc Licence under Standard Condition C10, paragraph 1. Reference should be made to this section when considering a proposed amendment.

ANNEX 3 – REPRESENTATIONS RECEIVED DURING CONSULTATION

This Annex includes copies of any representations received following circulation of the Consultation Document (circulated on 3rd November 2009, requesting comments by 5pm on 11th November 2009).

No.	Company	File Number
1	EDF ENERGY	CAP178-CR-01



To : Cusc.Team@uk.ngrid.com

11 November 2009

Dear CUSC Team,

EDF Energy response to CAP178 : "Amendment to the process for the approval of CUSC Amendments Panel meeting minutes when a CUSC Amendments Panel meeting has been cancelled"

EDF Energy is delighted to have the opportunity to comment on CUSC Amendment Proposal 178, which we support.

We record here our thanks the CUSC Governance Standing Group for their work with National Grid in developing this CUSC Amendment Proposal that has been put forward by National Grid.

Currently under Section 8.8.4 of the CUSC, if a CUSC Panel meeting is cancelled the approval of the last CUSC Amendments Panel meeting minutes is delayed until the next actual Panel meeting takes place. This can cause publication of the minutes to be delayed.

CAP178 would, if passed, allow the draft minutes (with any suggested changes shown as change-marked) relating to the last Panel meeting to be circulated to the Panel (who have already received them earlier) at the same time as the meeting cancellation notice is issued, providing a final opportunity for Panel Members to suggest any amendments to the minutes.

Under CAP178, any suggested changes would have to be mailed by panellists to Grid within a week of the circulation of the minutes. If no panellist suggests further changes, the minutes will be deemed to be approved - and published on the National Grid website. If further changes are suggested, the draft minutes will remain unapproved until the next CUSC Amendments Panel meeting so that agreement can be reached.

This process will allow quicker approval and publication to the wider transmission user community of CUSC minutes under certain (entirely reasonable) circumstances (and, never slower than at present). This improves, through speed and efficiency, general transparency of CUSC Amendments Panel proceedings and the service that the panel can provide to the wider transmission user community. National Grid has clear obligations within its transmission licence to run the business of the CUSC efficiently, and although there is no specific reference to the alacrity of agreement and publication of minutes when a panel meeting is cancelled, this change clearly, if in a fairly minor way, improves efficiency of administration of the CUSC and so slightly better facilitates CUSC Applicable Objective (a) (the efficient discharge by Grid, of the obligations imposed upon it by ... the Transmission Licence).

Accordingly, EDF Energy hereby places on record its support for CAP178.



Yours sincerely

Dr Sebastian Eyre, for and on behalf of EDF Energy

ANNEX 4 – REPRESENTATIONS RECEIVED TO THE DRAFT AMENDMENT REPORT

One representation was received following circulation of the draft Amendment Report (circulated on 12th November 2009, requesting comments by 5pm on 18th November 2009).

Representations were received from the following parties:

No.	Company	File Number
1	EDF ENERGY	CAP178-AR-01

Hook, Carole

From: Mott, Paul [Paul.Mott@edfenergy.com]
Sent: 17 November 2009 11:53
To: .Box.Cusc.Team
Subject: CAP 178 AMENDMENT REPORT VOLUME 1 - comments

Dear CUSC Team,

The amendment report on CAP178 ...

<http://www.nationalgrid.com/NR/rdonlyres/06EE35EB-8E95-4492-BF9C-2F752D24097E/38312/CAP178ARv01.pdf>

... is a reasonable re-statement of the case for 178, including a reasonable summary of the one response that was made to the consultation, reference CAP177-CR-01 (from EDF Energy). For clarity : the summary table in section 9.1 of the (supportive) points made by EDF Energy, is accurate.

No new considerations appear to have arisen from the consultation exercise.

We therefore continue to support the amendment proposal as previously stated.

Regards,

Paul - for EDF ENERGY

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