



WORKING GROUP REPORT

CUSC Amendment Proposal CAP141

Clarification of the Content of a Response to a Request for a Statement of Works

**Prepared by the CAP141 Working Group
for submission to the Amendments Panel**

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Prepared by	CAP141 Working Group

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a National Grid Document Control

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0.1	19/03/07	CAP141 Working Group	Initial Draft for Comment by Working Group Members
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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 CAP141 - Clarification of the Content of a Response to a Request for a Statement of Works was proposed by DONG Walney (UK) Ltd on the 30th November 2006. CAP141 aims to provide clarity to the Request for a Statement of Works process which was introduced by CAP097 - Revision to the contractual requirements for Small and Medium Embedded Power Stations under CUSC 6.5 and implemented on 14th July 2006.
- 1.2 The Working Group believes that there is a current defect within the provisions relating to a Request for a Statement of Works. However the Group, did not believe the proposed legal text with the Original Amendment was a variable solution. Firstly, Exhibit references need to be amendment, more significantly following the development of the Statement of Works, the group believed that the process in CUSC 6.5.5 lacked clarity and therefore required amending further thus the Working Group Alternative was developed.

Working Group Recommendation

- 1.3 The Working Group believes its Terms of Reference have been completed, CAP141 has been fully considered and recommends the Working Group Alternative to the CUSC Panel and a Consultation report should proceed to wider Industry Consultation as soon as possible.

2.0 PURPOSE AND INTRODUCTION

- 2.1 This Report summarises the deliberations of the Working Group and describes the Original CAP141 Amendment Proposal and the Working Group Alternative.
- 2.2 CAP141 was proposed by DONG Walney (UK) Ltd and submitted to the Amendments Panel for their consideration on 30th November 2006. The Amendments Panel determined that the proposal should be considered by a Working Group and that the Group should report back to the panel meeting within 3 months. However, National Grid failed to receive the required number of Working Group members in accordance with CUSC 8.17.3. National Grid raised this issue at the next Amendments Panel and a further member was nominated, this therefore created a delay and an extension of one month was requested and approved by Ofgem.
- 2.3 The Working Group first met on 15th January 2007, and the members accepted the Terms of Reference for CAP141. A copy of the Terms of Reference is provided in Annex 2. The Working Group considered the issues raised by the Amendment Proposal and considered whether the Proposal and the Working Group Alternative better facilitated the Applicable CUSC Objectives.
- 2.4 This Working Group Report has been prepared in accordance with the Terms of the CUSC. An electronic copy can be found on the National Grid Website, www.nationalgrid.com/uk/Electricity/Codes/, along with the Amendment Proposal Form.

3.0 PROPOSED AMENDMENT

- 3.1 CAP141 - Clarification of the Content of a Response to a Request for a Statement of Works aims to amend the CUSC to clarify National Grid's response when responding to a Request for a Statement of Works in accordance with CUSC 6.5.5.
- 3.2 CUSC 6.5.5 requires a User who owns or operates a Distribution System to make a Request for a Statement of Works prior to the connection or use of its distribution system for a Relevant Embedded Medium Power Station and / or Relevant Embedded Small Power Station. National Grid is required to respond in writing within 28 days of such a request, however the format of the response is not defined within an Exhibit nor is Statement of Works defined in Section 11 of the CUSC, even though 6.5.5.3, 6.5.5.4 and 6.5.5.5 defines three possible categories of works. They are as follows:
- i) there are works required on the GB Transmission System (CUSC 6.5.5.3) or
 - ii) there are works required on the GB Transmission System which also give rise to modifications to Connection Assets (CUSC 6.5.5.4) or
 - iii) that Site Specific Requirements are necessary at the site of connection of the Power Station (CUSC 6.5.5.5).
- 3.3 In addition there is also no requirement for National Grid to indicate the magnitude of any works identified with the Statement of Works and the User who owns or operates a Distribution System who makes the request has no obligation to pass the response to a Request for a Statement of Works to the Relevant Embedded Medium Power Station or Relevant Embedded Small Power Station. Therefore it is proposed to amend CUSC 6.5.5, define Statement of Works and create a new Exhibit for a Statement of Works.

4.0 SUMMARY OF WORKING GROUP DISCUSSIONS

- 4.1 The first Working Group meeting was held on 15th January 2007 where the proposer of CAP141 provided further details and background to the Amendment. In principle the group supported CAP141 and the majority of members believed that the Relevant Embedded Medium Power Station or Relevant Embedded Small Power Station should be able to understand the detail of the works being triggered by the Request for a Statement of Works. However, National Grid informed the group that the 28 day time period was not sufficient time to undertake a full assessment of the works as described in the Original Amendment proposed definition of Statement of Works, especially in Scotland where National Grid would need to consult with one of the other TO's.
- 4.2 The Working Group determined at the first meeting that a Working Group Alternative was required as the reference to Exhibit S within the proposed legal text was incorrect as a housekeeping change amended the Exhibit to U but failed to amend the cross reference in CUSC 6.5.5. The group also agreed that the form of the new Exhibit V, Statement of Works was likely to require further changes to the legal text in CUSC 6.5.5 and Exhibit U. The group reviewed a proposed Exhibit V – Statement of Works tabled by National Grid and agreed further legal drafting was required.

- 4.3 The Working Group wished to understand the types of works which may be required as a result of a Request for a Statement of Works. National Grid at the next meeting provided a non exhaustive list of possible examples, see Annex 5.
- 4.4 The group discussed the process following the Request for a Statement of Works and identified areas which lacked clarity and where a fee for a subsequent change to a User's Bilateral Agreement could not be charged.
- 4.5 The next Working Group meeting was held on 1st March 2007 where National Grid tabled draft legal text, process flow diagrams and introduced the new concept of Confirmation of Project Progression; see Annex 6 for flow diagram.
- 4.6 The Confirmation of Project Progression process would provide the DNO with a template to respond to National Grid if the Relevant Embedded Medium Power Station or Relevant Embedded Small Power Station wished to continue. In addition, this would be treated as a deemed Modification Application for charging purposes therefore resolving the gap in the ability to charge a fee and would not require the Power Station / DNO to make an additional application (Modification Application). After lengthy discussions surrounding the process and the charges within Table 15 of the Statement of Use of System Charges the group agreed the proposed process.
- 4.7 The group discussed and agreed a requirement on the DNO to send the Statement of Works to the Relevant Embedded Medium Power Station or Relevant Embedded Small Power Station and a reminder to be included within Exhibit V. Also the group discussed the definition of Statement of Works, National Grid was again concerned due to the 28 day time scale but agreed that where possible a non binding indication of the likely works could be provided therefore included within the definition.
- 4.8 One member questioned National Grids right to revise the Statement of Works as proposed in the draft legal text of Exhibit V and whether such change was within the scope of CAP141. National Grid informed the group by email after the meeting that at present no such explicit right in terms of the Request for a Statement of Works existed, however they believed that the proposed drafting was a practical solution to a problem with the current process and therefore within scope. Following changes to the proposed text all members agreed such a right was within scope and should be included in the Working Group Alternative.
- 4.9 One member believed that a test of materiality should be included so that only changes which had a Material Effect should require a Statement of Works. However, National Grid could not accept this proposal as the definition of Material Effect would limit the works within a Statement of Works to those at the Connection Site only. Consequently, the Working Group member raised a second Alternative (which was later withdrawn).
- 4.10 The final meeting of the Working Group was held via tele-conference on the 15th March 2007 to clarify the following main issues surrounding the draft legal text:
- i) Materiality test in line with the second Working Group Alternative
 - ii) The ability to refund application fees in accordance with the Charging Statements
 - iii) The ability to amend the Statement of Works once issued to the User

- 4.11 National Grid informed the group that the issue surrounding the materiality was not the test itself but the use of Material Effect. CUSC 6.5.5 requires a significant impact of the GB Transmission System not Material Effect. In relation to i) and iii) the group discussed and agreed revisions to the legal text to address the outstanding issues, consequently the Working Group Member withdrew the second Working Group Alternative. National Grid informed the group that the relevant applications fees may be refunded to the DNO in accordance with 7.5 of the Statement of Use of System Charging Methodology but not to the Relevant Embedded Medium Power Station or Relevant Embedded Small Power Station. By the nature of the arrangements National Grid has no direct relationship with the Relevant Embedded Medium Power Station or Relevant Embedded Small Power Station nor do the Power Stations pay TNUoS charges therefore National Grid has no way of crediting the application fee to the Power Station.

5.0 WORKING GROUP ALTERNATIVE AMENDMENT

- 5.1 The Working Group Alternative Amendment seeks to address the same defect as the Original proposal plus addition process clarifications as identified, discussed and developed by the Working Group. The Working Group Alternative develops the Statement of Works Exhibit and creates a new process for Users to respond to National Grid following a Statement of Works, called the Confirmation of Project Progression, which shall be treated as a deemed Modification Application for the purposes of the Charging Statement. Consequently the Working Group Alternative Amendment also amends CUSC 6.5.5 to reflect the new Statement of Works and Confirmation of Project Progression process. 6.5.5.7 would also be renumbered to 6.5.5.8 to accommodate the additional text.

6.0 ASSESSMENT AGAINST APPLICABLE CUSC OBJECTIVES

Proposed Amendment

- 6.1 The Working Group believed that CAP141 would not better facilitate the CUSC Objective(s) as the proposed text fails to address all issues identified by the Working Group in relation to the clarification of the Request for Statement of Works process. In addition, the proposed definition of Statement of Works in terms of detailing the scope of the works was not possible in the 28 day period consequently such an obligation on National Grid could not be discharged.

Working Group Alternative Amendment

- 6.2 The Working Group believed that CAP141 Working Group Alternative would better facilitate CUSC Objective;
- (a) the efficient discharge by the Licensee of the obligations imposed upon it by the act and the Transmission Licence;
- 6.3 CAP141 Working Group Alternative Amendment would provide greater clarity for Users who own and operate a Distribution System and the Relevant Embedded Medium Power Station or Relevant Embedded Small Power Station in relation to CUSC 6.5.5 process for a Request for a Statement of Works.

7.0 PROPOSED IMPLEMENTATION

- 7.1 The Working Group proposes that CAP141 Original and Working Group Alternative Amendment should be implemented 10 business days after an Authority decision.

8.0 IMPACT ON THE CUSC

- 8.1 CAP141 requires amendments to Section 6, Section 11 and an additional CUSC Exhibit. The text required to give effect to the Original Proposal is contained as Part A of Annex 1 of this document.
- 8.2 The text to give effect to the Working Group Alternative Amendment is attached as Part B of Annex 1 of this document.

9.0 IMPACT ON INDUSTRY DOCUMENTS

- 9.1 CAP141 has no impact upon Core Industry Documents or other Industry Documents or computer systems and process used by CUSC Parties. No consequential changes are required to the System Operator – Transmission Owner Code (STC), since CAP141 only clarifies the process between National Grid acting as GBSO and the User who owns or operates the Distribution System.

ANNEX 1- PROPOSED LEGAL TEXT TO MODIFY THE CUSC

Part A - Text to give effect to the Original Proposed Amendment

The proposed Legal text to modify the CUSC is detailed below by inserting the coloured underlined text and deleting the coloured struck through text.

CUSC 6.5.5 Statement of Works

- 6.5.5.1 Any **User** who owns or operates a **Distribution System** shall as soon as reasonably practicable upon receipt of a request for a connection to that **User's Distribution System** from a **Relevant Embedded Medium Power Station** or a **Relevant Embedded Small Power Station** submit to **The Company** a **Request for a Statement of Works**. Such a submission by a **User** who owns or operates a **Distribution System** of a **Request for a Statement of Works** will be substantially in the form of Exhibit S1.
- 6.5.5.2 The **Request for a Statement of Works** must include the Technical Information in respect of such **Power Station** and its proposed date of connection to the **Distribution System**.
- 6.5.5.3 **The Company** will ~~notify the **User** in writing~~ within 28 days of the submission of a **Request for a Statement of Works** respond in writing with a **Statement Works** substantially in the form of Exhibit S2~~whether there are works required on the **GB Transmission System** as a result of the proposed connection of such **Power Station**.~~ The **User** shall forward such **Statement of Works** to the **Power Station** as soon as reasonably practicable.
- 6.5.5.4 The **User** who owns or operates a **Distribution System** shall have 90 **Business Days** from such notification under 6.5.5.3 to confirm to **The Company** in writing whether, in consultation with the proposed power station developer, it wishes to proceed with the project. Should the **User** fail to notify **The Company** within 90 **Business Days**, the **Request for a Statement of Works** shall be deemed withdrawn and the **User** shall not energise the connection of the **Power Station** that was subject to the **Request for a Statement of Works**.
The **User** shall then, as required by the **Statement of Works**,
~~either:~~
complete and submit to **The Company** a **Modification Application**, and comply with the terms thereof, in accordance with 6.9. For the avoidance of doubt, such **Modification Application** shall be required only when the **Statement of Works** shows that modifications to **Connection Assets** would be needed; and/or enter into and comply with a **Construction Agreement**
in

respect of any construction works, together with an agreement to vary the relevant **Bilateral Agreement**, in each case as identified in the **Statement of Works** and in accordance with 1.3.2.

- 6.5.5.5 If **The Company** has notified the **User** that no works are required on the **GB Transmission System** pursuant to Paragraph 6.5.5.3, **The Company** may notify the **User** in writing within 28 days of the submission of a **Request for a Statement of Works** that **Site Specific Requirements** are necessary at the site of connection of the **Power Station**. Any **Site Specific Requirements** notified to the **User** shall be incorporated through an agreement to vary the **Bilateral Agreement** between **The Company** and the **User** for the appropriate **Grid Supply Point** of such **User**.
- 6.5.5.6 If **Site Specific Requirements** are necessary and a **Modification Application** has been submitted pursuant to Paragraph 6.5.5.4, then any such **Site Specific Requirements** shall be included in the **Modification Offer**.
- 6.5.5.7 The **User** shall notify **The Company** in writing if the proposed date of connection for such **Power Station** for which a **Request for a Statement of Works** has been submitted changes and shall submit a revised **Request for a Statement of Works**.

New Exhibit S2 required

(Format to be developed in discussion with The Company)

Section 11

“Request for a Statement of Works”

a request in the form or substantially in the form set out in Exhibit S1 to the **CUSC**.

“Statement of Works”

a response to a Request for a Statement of Works in the form or substantially in the form set out in Exhibit S2 to the CUSC and containing:

- a) **a statement that there are works required on the GB Transmission System which do not give rise to modifications to Connection Assets, or that there are no such works required as a result of the proposed connection of the Power Station; and**
- b) **a statement that there are works required on the GB Transmission System which also give rise to modifications to Connection Assets,**

or that there are no such works required as a result of the proposed connection of the **Power Station**; and

c) a statement that **Site Specific Requirements** are necessary at the site of connection of the **Power Station**, or that there are no such **Site Specific Requirements** required as a result of the proposed connection of the **Power Station**;

Part B - Text to give effect to the Working Group Alternative Amendment

The proposed Legal text to modify the CUSC is detailed below by inserting the coloured underlined text and deleting the coloured struck through text.

CUSC 6.5.5 Statement of Works

(see following pages for legal text)

6.5.5 Statement of Works

6.5.5.1 Any **User** who owns or operates a **Distribution System** shall as soon as reasonably practicable upon receipt of a request for a connection to and / or for the use of that **User's Distribution System** from a **Relevant Embedded Medium Power Station** or a **Relevant Embedded Small Power Station** submit to **The Company** a **Request for a Statement of Works**. Such a submission by a **User** who owns or operates a **Distribution System** of a **Request for a Statement of Works** will be substantially in the form of Exhibit U.

6.5.5.2 The **Request for a Statement of Works** must include the Technical Information in respect of such **Power Station** and its proposed date of connection to and / or for the use of the **Distribution System**.

6.5.5.3 **The Company** will within 28 days of the submission of a **Request for a Statement of Works** respond in writing to the User who owns or operates a Distribution System with a Statement of Works substantially in the form of **Exhibit V**. The User who owns or operates a Distribution System shall forward such Statement of Works to the Power Station as soon as reasonably practicable.

- 6.5.5.4 The **User** who owns or operates a **Distribution System** shall have 90 **Business Days** from such notification under Paragraph 6.5.5.3 to return to The Company a completed and signed Confirmation of Project Progression, in the form attached to the Statement of Works together with the appropriate fee. The User who owns or operates a Distribution System shall forward a copy of such Confirmation of Project Progression to the Power Station as soon as reasonably practicable.

6.5.5.5 The Confirmation of Project Progression together with the information included in the **Request for a Statement of Works**, and any further details as may be required by **The Company** shall be deemed to be a **Modification Application** for the purposes of the **Charging Statements** and Paragraphs 1.3.2, 6.9.2, 6.9.4 and 6.10 of the **CUSC** which shall apply thereto.

6.5.5.6 Where **The Company** believes the **Power Station** has no significant impact on the **GB Transmission System** (for avoidance of doubt, such significant impact involves either

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¶
The **User** shall then, as required by the **Statement of Works**, either:¶
<#>complete and submit to **The Company** a **Modification Application**, and comply with the terms thereof, in accordance with 6.9. For the avoidance of doubt, such **Modification Application** shall be required only when the **Statement of Works** shows that modifications to **Connection Assets** would be needed; or¶
enter into and comply with a **Construction Agreement** in respect of any construction works, together with an agreement to vary the relevant **Bilateral Agreement**, in each case as identified in the **Statement of Works** and in accordance with 1.3.2.

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party in an expenditure of more than £10,000) or the **Statement of Works** indicates that no works are required nor any **Site Specific Requirements** are necessary, the **Statement of Works** completes the process required for in respect of the **Request for a Statement of Works** for the purposes of Paragraph 6.5.1(a)(i) and the **User** who owns or operates a **Distribution System** may **Energise** the connection of the **Power Station** or permit the use of its **Distribution System** by the **Power Station**.

- 6.5.5.7 Where **The Company** believes the **Power Station** has a significant impact on the **GB Transmission System** (for avoidance of doubt, such significant impact involves either party in an expenditure of more than £10,000) and the **Statement of Works** indicates that works are required and/or **Site Specific Requirements** are necessary, should the **User** who owns or operates a **Distribution System** fail to return to **The Company** a signed and completed **Confirmation of Project Progression** (together with the appropriate fee) within 90 **Business Days** from such notification under Paragraph 6.5.5.3, the **Request for a Statement of Works** shall be deemed withdrawn and the **User** who owns or operates a **Distribution System** shall not energise the connection of nor permit the use of its **Distribution System** by the **Power Station** that was the subject of the **Request for a Statement of Works** in the manner described in the **Request for a Statement of Works**.

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- 6.5.5.8 The **User** who owns or operates a **Distribution System** shall notify **The Company** in writing if the proposed date of connection or any other of the details included in or provided pursuant to the **Request for a Statement of Works** for such **Power Station** for which a **Request for a Statement of Works** has been submitted, changes and the **User** who owns or operates a **Distribution System** shall (except where **The Company** agrees in writing that a revised **Statement of Works** is not reasonably required) submit a revised **Request for a Statement of Works**

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CUSC - EXHIBIT U

**THE CONNECTION AND USE OF SYSTEM CODE
REQUEST FOR A STATEMENT OF WORKS
USER THAT OWNS OR OPERATES A DISTRIBUTION SYSTEM**

PLEASE STUDY THE FOLLOWING NOTES BEFORE COMPLETING AND SIGNING THIS APPLICATION FORM.

- 1 **The Company** requires the information requested in this application form for the purposes of assessing the impact of a **Relevant Embedded Medium Power Station** or a **Relevant Embedded Small Power Station** upon the **GB Transmission System**. It is essential that the **User** submitting this **Request for a Statement of Works** should supply all information requested in this application form and that every effort should be made to ensure that such information should be accurate.
- 2 Please note that certain expressions which are used in this application form are defined in the Interpretation and Definitions (contained in Section 11 of the **CUSC**) and when this occurs the expressions have capital letters at the beginning of each word and are in bold.
- 3 Should **The Company** consider that any information provided is incomplete or unclear or should **The Company** require further information in order that it may assess the impact of a **Relevant Embedded Medium Power Station** or a **Relevant Embedded Small Power Station** upon the **GB Transmission System**, the **User** submitting this **Request for a Statement of Works** will be requested to provide further information or clarification.
- 4 Should there be any change in any information provided by the **User** submitting this **Request for a Statement of Works** after it has been submitted to **The Company**, the **User** submitting this **Request for a Statement of Works** must immediately inform **The Company** of such a change.
- 5 **The Company** shall charge the **User** submitting this **Request for a Statement of Works**, and the **User** submitting this **Request for a Statement of Works** shall pay to **The Company**, **The Company's** Engineering Charges in relation to the assessment. An advance will be charged by **The Company** in accordance with the **Charging Statements**. No **Request for a Statement of Works** will be considered until such advance has been paid. The balance of **The Company** Engineering Charges shall be notified and invoiced by **The Company** to the **User** submitting this **Request for a Statement of Works** together with a breakdown of such charges and the **User** submitting this **Request for a Statement of Works** shall pay the same within 28 days of the date of **The Company's** invoice. In the event that the advance and any other payments exceed the appropriate **The Company** Engineering Charges the excess shall be repaid forthwith to the **User** submitting this **Request for a Statement of Works**.
- 6 The effective date upon which the application is made shall be the later of the date when **The Company** has received the advance application fee pursuant to Paragraph 5 above or the date when **The Company** is reasonably satisfied that the **User** submitting this **Request for a Statement of Works** has completed Sections A-D. **The Company** shall notify the **User** submitting this **Request for a Statement of Works** of such date.
- 7 **The Company** will assess the **Request for the Statement of Works** in accordance with the terms of Paragraph 6.5.5 (**Statement of Works**) and (where applicable) Paragraph 6.9 (**Modifications**) and Paragraph 6.10 (**Modifications** and **New Connection Sites**) of the **CUSC** and the **Transmission Licence**.
- 8 **The Company** will assess the **Request for a Statement of Works** as soon as is reasonably practicable and, in any event, will respond to the User with a Statement of Works in accordance with Paragraph 6.5.5.3 within 28 days of the effective date of the application or such later period as the **Authority** agrees to.
- 9 In the course of processing your **Request for a Statement of Works**, it may be necessary for **The Company** to consult the appropriate **Distribution System Operator(s)** on matters of technical compatibility of the **GB Transmission System** with their **Distribution System(s)** or to consult the **Relevant Transmission Licensees** to establish the works required on the **GB Transmission System**. On grounds of commercial confidentiality **The Company** shall need your authorisation to the release to the **Distribution System Operator(s)** or the **Relevant Transmission Licensees** of certain information contained in your application. Any costs incurred by **The Company** in consulting the **Distribution System Operator(s)** or **Relevant**

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Transmission Licensees would be included in the **The Company Charges** for the application. If it is found by the **Distribution System Operator(s)** that any work is required on their **Distribution System(s)**, then it will be for the **Distribution System Operator(s)** and the **User** submitting this **Request for a Statement of Works** to reach agreement in accordance with Paragraph 6.10.3 of the **CUSC**.

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10 If the **User** submitting this **Request for a Statement of Works** is not already a **CUSC Party** the **User** submitting this **Request for a Statement of Works** will be required as part of this application form to undertake that he will comply with the provisions of the **Grid Code** for the time being in force. Copies of the **Grid Code** and the **CUSC** are available on the **The Company** website at www.nationalgrid.com/uk and the **User** submitting this **Request for a Statement of Works** is advised to study them carefully. Further copies are available on payment of **The Company's** copying charge, postage and packing. **Data** submitted pursuant to this application shall be deemed submitted pursuant to the **Grid Code**.

11 Any **Modification Offer** following the signed completion of a **Confirmation of Project Progression** will be based to the extent appropriate upon its standard form terms for a **Modification Offer** and the **Charging Statements**.

12 Where the Applicant completes and signs a **Confirmation of Project Progression** following the **Statement of Works**, the Applicant has the ability to choose whether they wish to apply on a fixed price or variable price application fee basis. Fixed price application fee is derived from analysis of historical costs of similar applications. Variable price application fee is based on an advance of the Transmission Licensee's Engineering and out of pocket expenses and will vary according to the size of the scheme and the amount of work involved. Applicants are requested to indicate their preferred basis in the **Confirmation of Project Progression**. Applicants are advised that further information (including circumstances when the application fee may be refunded under the Statement of Use of System Charging Methodology) can be obtained from the Charging Statements which can be found on National Grid Electricity Transmission plc's website. If Applicants require further assistance they are recommended to contact National Grid Electricity Transmission plc's Headquarters, where our staff will be pleased to help.

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13 Please complete this application form in black print and return it duly signed to **CUSC Panel Secretary**, National Grid Electricity Transmission plc, Warwick Technology Park, Gallows Hill, Warwick, CV34 6DA (Telephone No. 01926 65 3000).

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For the most up to date contact details **Users** submitting this **Request for a Statement of Works** are advised to contact the **The Company** website at:

www.nationalgrid.com/uk

**A. DETAILS OF USER
SUBMITTING THIS REQUEST FOR A
STATEMENT OF WORKS**

1. Name:

.....

2. Address:

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3. Registered Office/Address
(including e-mail address for CUSC
notices and Registration
Number):

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4. Name, title and address of contacts for the purposes of this application, giving description of the field of responsibility of each person:

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.....

.....

5. If **User** submitting this **Request for a Statement of Works** is an agent, please give name(s) and address(es) of person(s) for whom the **User** submitting this **Request for a Statement of Works** is acting:

.....

.....

.....

B THE PROPOSED POINT OF CONNECTION TO A DISTRIBUTION SYSTEM

1. Please identify (preferably by reference to an extract from Ordnance Survey Map) the intended location of the **Plant** and **Apparatus** (the "User Development") which it is desired should be connected to the **Distribution System**.

.....
.....
.....

2. Please identify the intended **Grid Supply Point** through which that part of the **User's Distribution System** to which the **Relevant Embedded Medium Power Station** or **Relevant Embedded Small Power Station** is connected, connects to the **GB Transmission System**.

.....
.....
.....

C TECHNICAL INFORMATION

Please provide the **Data** listed in Part 1 of the Appendix to the **Planning Code** in respect of the relevant **Distribution System** and the **Embedded Power Station** to the extent that the data will change from previously submitted Committed Project Planning Data or Connected Planning Data. Note: the **Data** concerned form part of the **Planning Code** and **Data Registration Code**. **User** submitting this **Request for a Statement of Works** should refer to these sections of the **Grid Code** for an explanation.

D PROGRAMME

Please provide the anticipated date when the **Embedded Power Station(s)** will have its connection **Energised** and/or commence use of the **Distribution System**

REQUEST FOR A STATEMENT OF WORKS

Please study the notes before completing and signing this application form.

- 1 We hereby submit a **Request for a Statement of Works** in respect of [.....]
Embedded Power Station that is connecting to and/or using [.....]**Distribution System**.
- 2 We will promptly inform **The Company** of any change in the information given in this **Request for a Statement of Works** as quickly as practicable after becoming aware of any such change.
- 3 If we are not already a **CUSC Party** we undertake for the purposes of this application to be bound by the terms of the **Grid Code** from time to time in force and to sign a **CUSC Accession Agreement**.
- 4 We authorise the release of certain information, on the grounds of commercial confidentiality, to the appropriate operators of Distribution System's or **Relevant Transmission Licensees** should it be considered necessary.
- 5 We confirm that we do/do not meet the **Approved Credit Rating** and **The Company Credit Rating**.
- 6 We confirm that we are applying in the category of Distribution System directly connected to the GB Transmission System.

Deleted: Public

Deleted: Public

Deleted:

Deleted: Operator(s)

Deleted: [please insert appropriate description from table in paragraph 1.2.4 of the CUSC].

Signed:

.....
For and on behalf of the Applicant

Date:.....

END OF EXHIBIT U

Exhibit V

EXHIBIT V STATEMENT OF WORKS

The Company Secretary

DNO name

Address1

Address2

Town

Postcode

Name.uk.ngrid.com

Direct tel +44 (0)

Direct fax +44 (0)

www.nationalgrid.com

XX Month Year

For the Attention of ##

Dear Sir/Madam

Re: Statement of Works Dated XXXXX

[Generator]

[at GSP]

[User Agreement Reference No A/##/###-##EX(%) ("Bilateral Agreement")]

I refer to your **Request for a Statement of Works** dated [] in relation to the possible connection of the above Licence Exempt **Embedded Generator** in your **Distribution System** (the "Project").

We have now undertaken an initial assessment of the significance of the Project and [believe the **Power Station** has a significant impact on the **GB Transmission System** (for the avoidance of doubt, such significant impact involves either party in an expenditure of more than £10,000] would advise you of the following implications:-

- i. **Requirement for works on the GB Transmission System where such works are not at a Connection Site**

Yes/No
- ii. **Requirement for works to the GB Transmission System at a Connection Site (Grid Supply Point)**

Yes/No
- iii. **Necessity for Site Specific Requirements (at the site of connection) of the Power Station)**

Yes/No

If no works have been identified include the following:

[As this **Statement of Works** does not specify any works as being required nor any **Site Specific Requirements** as being necessary, our letter completes the process required for in respect of your **Request for a Statement of Works** for the purposes of Paragraph **6.5.1(a)(i)**]

If works have been identified include the following:

[This **Statement of Works** will remain valid for a period of 90 **Business Days** from the date hereof, i.e. until **XX Month Year (“Expiry Date”)**

After the Expiry Date this Statement of Works will lapse.

Should your customer wish to progress the Project, you will need to advise us of this fact by signing and returning to **The Company** the **Confirmation of Progression** form attached hereto by the **Expiry Date**.

Any signed **Confirmation of Progression** (together with the appropriate fee) received by **The Company** by the **Expiry Date**, together with the information included in the **Request for a Statement of Works**, shall be deemed to be **Modification Application** for the purposes of the **Charging Statements** and for Paragraphs 1.3.2, 6.9.2, 6.9.3 and 6.10 of the **CUSC** which shall apply thereto.

Modification Applications (including deemed **Modification Applications**) will only be valid under this process if received by **The Company** on or before the **Expiry Date**. In such event the **Expiry Date** shall not be extended, and this **Statement of Works** will lapse after the **Expiry Date** except where **The Company** agrees in writing that a revised **Statement of Works** is not reasonably required.

This **Statement of Works** has been assessed as at the date of issue. In the event that the system background changes on or before the **Expiry Date** of this **Statement of Works**, or before the **User** has completed, signed and returned the **Confirmation of Project Progression** with the appropriate fee, **The Company** reserves the right to revise any and all aspects of this **Statement of Works** and will notify the **User** of any changes to this **Statement of Works**.

This **Statement of Works** is made on the basis of and is only valid in respect of the information provided by the **User** in the **Request for a Statement of Works**. If the **User** wishes to make any changes to any information submitted with the **Request for a Statement of Works** a new **Request for Statement of Works** must be submitted to **The Company** before **Energisation** of the connection can take place. Please note, you may not energise the connection of the Project without having received a written notification from **The Company** that the process set out in Paragraph 6.5 of CUSC has been complied with in full.

Please note this **Statement of Works** should be forwarded to the **Power Station** as soon as reasonably practicable in accordance with Paragraph 6.5.5.3 of the CUSC.

Yours faithfully

For and on behalf of
National Grid Electricity Transmission plc

XX Month Year

For the Attention of ##

Dear Sir/Madam

Re: Statement of Works Dated XXXXX

[Generator]

[at GSP]

[User Agreement Reference No A/##/###-##EX(##) (“Bilateral Agreement”)]

CONFIRMATION OF PROJECT PROGRESSION

We confirm that we have received agreement from the proposed power station developer in relation to the above **Statement of Works** that he/ she wish to progress with the Project.

We confirm that the information provided in the **Request for a Statement of Works** submitted on [#####] is correct and remains valid and we confirm that we will continue to comply with the terms of the **Request for a Statement of Works**.

We agree that by signing and returning this **Confirmation of Progression** (together with the appropriate fee) it shall, together with the information included in the **Request for a Statement of Works** and any further details as required by **The Company** pursuant to Paragraph 6.5.5.5, be treated as a **Modification Application**. We agree that any **Modification Offer** may comprise an agreement to vary the **Bilateral Agreement** and a **Construction Agreement**.

We wish to proceed on a [fixed] [variable] price application basis and enclosed the sum of £[####] including VAT as set out in the current **Charging Statements** and hereby request a **Modification Offer** in respect of the **Statement of Works**.

Please note this **Confirmation of Project Progression** should be forwarded to the **Power Station** as soon as reasonably practicable in accordance with Paragraph 6.5.5.4 of the CUSC.

Signed

For and on Behalf of
Date

Section 11

<p><u>“Statement of Works”</u></p>	<p>a response by The Company to a Request for a Statement of Works in the form or substantially in the form set out in Exhibit V to the CUSC and containing each of the following statements:</p> <p>a) that there are works required to the GB Transmission System where such works are not at a Connection Site, or that there are no such works required as a result of the proposed connection of the Power Station; and</p> <p>b) that there are works required to the GB Transmission System at a Connection Site, or that there are no such works required as a result of the proposed connection of the Power Station; and</p> <p>c) that Site Specific Requirements are necessary at the site of connection of the Power Station, or that there are no such Site Specific Requirements required as a result of the proposed connection of the Power Station;</p> <p>and where there are works required or Site Specific Requirements necessary and where possible The Company will provide a non-binding broad description of the likely works or Site Specific Requirements and having attached to it a draft Confirmation of Project Progression</p>
<p><u>“Confirmation of Project Progression”</u></p>	<p>a response by the User who owns or operates a Distribution System to a Statement of Works in the form or substantially in the form set out in Exhibit V to the CUSC which, if the User who owns or operates a Distribution System wishes to proceed with connecting and/or permitting the relevant Power Station to use its Distribution System, the User who owns or operates a Distribution System must complete and return to The Company in accordance with Paragraph 6.5.5.4 of the CUSC.</p>

ANNEX 2 – WORKING GROUP TERMS OF REFERENCE AND MEMBERSHIP

Working Group Terms of Reference and Membership

TERMS OF REFERENCE FOR CAP141 WORKING GROUP

RESPONSIBILITIES

1. The Working Group is responsible for assisting the CUSC Amendments Panel in the evaluation of CUSC Amendment Proposal CAP141 tabled by Eclipse Energy at the Amendments Panel meeting on 24th November 2006.
2. The proposal must be evaluated to consider whether it better facilitates achievement of the applicable CUSC objectives. These can be summarised as follows:
 - (a) the efficient discharge by the Licensee of the obligations imposed on it by the Act and the Transmission 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.
3. It should be noted that additional provisions apply where it is proposed to modify the CUSC amendment provisions, and generally reference should be made to the Transmission Licence for the full definition of the term.

SCOPE OF WORK

4. The Working Group must consider the issues raised by the Amendment Proposal and consider if the proposal identified better facilitates achievement of the Applicable CUSC Objectives.
5. In addition to the overriding requirement of paragraph 4, the Working Group shall consider and report on the following specific issues:
 - The development of the form of any new Exhibit to the CUSC representing a Statement of Works as part of CAP141
 - Consider the adequacy of the legal text for CAP141 and in particular a new definition for “Statement of Works”
6. The Working Group is responsible for the formulation and evaluation of any Working Group Alternative Amendments (WGAAs) arising from Group discussions which would, as compared with the Amendment Proposal, better facilitate achieving the applicable CUSC objectives in relation to the issue or defect identified.
7. The Working Group should become conversant with the definition of Working Group Alternative Amendments which appears in Section 11 (Interpretation and Definitions) of the CUSC. The definition entitles the Group and/or an individual Member of the Working Group to put forward a Working Group Alternative Amendment if the Member(s) genuinely believes the Alternative

would better facilitate the achievement of the Applicable CUSC Objectives. The extent of the support for the Amendment Proposal or any Working Group Alternative Amendment arising from the Working Group's discussions should be clearly described in the final Working Group Report to the CUSC Amendments Panel.

8. The Working Group is to submit their final report to the CUSC Panel Secretary on 15th February 2007 for circulation to Panel Members. The conclusions will be presented to the CUSC Panel meeting on 23rd February 2007.

MEMBERSHIP

9. It is recommended that the Working Group has the following members:

Chair	Rob Smith
National Grid	Emma Carr
Industry Representatives	Garth Graham (Scottish & Southern) Ben Sheehy (E.ON) David Scott (EDF Energy) Tony Cotton (Energy Technical) John Norbury (RWE Npower)

Authority Representative	Steve Mackay
Technical Secretary	Richard Dunn

[NB: Working Group must comprise at least 5 Members (who may be Panel Members) and will be selected by the Panel with regard to WG List held by the Secretary]

10. The membership can be amended from time to time by the CUSC Amendments Panel or the Working Group Chairperson.

RELATIONSHIP WITH AMENDMENTS PANEL

11. The Working Group shall seek the views of the Amendments Panel before taking on any significant amount of work. In this event the Working Group Chairman should contact the CUSC Panel Secretary.
12. Where the Working Group requires instruction, clarification or guidance from the Amendments Panel, particularly in relation to their Scope of Work, the Working Group Chairman should contact the CUSC Panel Secretary.

MEETINGS

13. The Working Group shall, unless determined otherwise by the Amendments Panel, develop and adopt its own internal working procedures and provide a copy to the Panel Secretary for each of its Amendment Proposals.

REPORTING

14. The Working Group Chairman shall prepare a final report to the February 2007 Amendments Panel responding to the matter set out in the Terms of Reference.
15. A draft Working Group Report must be circulated to Working Group members with not less than five business days given for comments.
16. Any unresolved comments within the Working Group must be reflected in the final Working Group Report.
17. The Chairman (or another member nominated by him) will present the Working Group report to the Amendments Panel as required.

ANNEX 3 – INTERNAL WORKING GROUP PROCEDURE

CAP141 Working Group Statement of Works

INTERNAL WORKING PROCEDURES

1. Notes and actions from each meeting will be produced by the Technical Secretary (provided by National Grid) and circulated to the Chairman and Working Group members for review.
2. The Meeting notes and actions will be published on the National Grid CUSC Website after they have been agreed at the next meeting or sooner on agreement by Working Group members.
2. The Chairman of the Working Group will provide an update of progress and issues to the Amendments Panel each month as appropriate.
4. Working Group meetings will be arranged for a date acceptable to the majority of members and will be held as often as required as agreed by the Working Group in order to respond to the requirements of the Terms of Reference set by the Amendments Panel.
5. If within half an hour after the time for which the Working Group meeting has been convened the Chairman of the group is not in attendance, the meeting will take place with those present.
6. A meeting of the Working Group shall not be invalidated by any member(s) of the group not being present at the meeting.

ANNEX 4– AMENDMENT PROPOSAL FORM

CUSC Amendment Proposal Form	CAP:141
<p>Title of Amendment Proposal: Clarification of the Content of a Response to a Request for a Statement of Works</p>	
<p>Description of the Proposed Amendment (<i>mandatory by proposer</i>):</p> <p>It is proposed that the CUSC be modified to clarify the content of a response to a Request for a Statement of Works pursuant to CUSC section 6.5.5.</p>	
<p>Description of Issue or Defect that Proposed Amendment seeks to Address (<i>mandatory by proposer</i>):</p> <p>CUSC section 6.5.5 requires DNOs to make a Request for a Statement of Works prior to energisation of the connection of certain Embedded Power Stations. Whilst it is clear that The Company must respond within 28 days of such request, there is a lack of clarity on the content of such response. It would however appear that there are three possible categories of response:</p> <ul style="list-style-type: none"> a) there are works required on the GB Transmission System (CUSC 6.5.5.3) or b) there are works required on the GB Transmission System which also give rise to modifications to Connection Assets (CUSC 6.5.5.4) or c) that Site Specific Requirements are necessary at the site of connection of the Power Station (CUSC 6.5.5.5). <p>The confusion in the CUSC is compounded by the use of the term “Statement of Works” in section 6.5.5.4, which is in bold but is not in fact defined. Further at the end of the first bullet point of 6.5.5.4 the term “or” should in all likelihood be “and/or”.</p> <p>A further point is that where the response to a Request for a Statement of Works shows that there are works required on the GB Transmission System, there is no obligation on The Company to indicate the magnitude of impact, which would make it very hard for an Embedded Power Station to decide whether to proceed with the project. For instance, there could be a very different decision depending on whether the impact was the installation of a system-to-generator inter-trip, compared with being caught up with a multi-million pound major infrastructure upgrade which would take many years.</p> <p>Finally it is proposed that there is an explicit requirement on the DNO to pass the response to a Request for a Statement of Works on to the Embedded Medium Station promptly.</p>	
<p>Impact on the CUSC (this should be given where possible):</p> <p>Amend Section 6.5.5 as attached</p>	
<p>Impact on Core Industry Documentation (<i>this should be given where possible</i>):</p> <p>None</p>	

Impact on Computer Systems and Processes used by CUSC Parties (*this should be given where possible*):

The Company would need to provide further details in the response to a Request for a Statement of Works. The DNO would need to pass on the response to a Request for a Statement of Works to the Embedded Power Station promptly.

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*):

The current drafting of CUSC section 6.5.5 is unclear and responses to a Request for a Statement of Works may thus not be provided in a consistent or correct manner. The information provided to relevant Embedded Power Stations may not currently be passed on straight away and may not be sufficient for them to make the decisions as to whether to ask the DNO to proceed with the Modification Application or a request to vary the Bilateral Agreement. The proposed change will improve these matters and enable The Company to more easily and efficiently discharge its obligations under the Act and the Transmission Licence and fulfil its obligations to facilitate competition in the generation and supply of electricity.

Details of Proposer: Organisation's Name:	Dong Walney (UK) Ltd
Capacity in which the Amendment is being proposed: (i.e. CUSC Party, BSC Party or "energywatch")	CUSC Party
Details of Proposer's Representative: Name: Organisation: Telephone Number: Email Address:	Anthony Cotton ETCS Ltd 01473 780 933 tony@energytechnical.com
Details of Representative's Alternate: Name: Organisation: Telephone Number: Email Address:	Ivan Christiansen DONG Walney (UK) Ltd 0045 2540 2186 ivach@dongenergy.dk
Attachments: Yes If Yes, Title and No. of pages of each Attachment: Proposed Legal Text, two pages	

Notes:

- 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.
- 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:

Beverley Viney
Panel Secretary
Commercial Frameworks
National Grid
National Grid House
Warwick Technology Park
Gallows Hill
Warwick
CV34 6DA

Or via e-mail to: Beverley.Viney@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 Company Transmission Licence under Section C7F, paragraph 15. Reference should be made to this section when considering a proposed amendment.

ANNEX 5– EXAMPLES OF WORKS TRIGGERED BY REQUEST FOR STATEMENT OF WORKS

Actions from Working Group Meeting held on 15th January 2007

- ◆ Examples of works required on the GB Transmission System – CUSC 6.5.5.4
 - ◆ Upgrade to an overhead line
 - ◆ Installation of reactive compensation – SVC's and MSC's
 - ◆ Switchgear replacement / up-rating

- ◆ Examples of works required on Connection Assets – CUSC 6.5.5.4
 - ◆ Installation of additional transformer capacity
 - ◆ Switchgear up-rating

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Actions from Working Group Meeting held on 15th January 2007

- ◆ Examples of Site Specific Requirements – CUSC 6.5.5.5
 - ◆ Details of operational metering in accordance with Grid Code CC6.4.4 and CC6.5.6
 - ◆ Details of any technical, design and operational criteria in accordance with Grid Code e.g. Power system stabilisers, Voltage requirements etc Grid Code CC6.3.8

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ANNEX 6 – PROCESS FLOW DIAGRAMS

