

<b>CUSC Amendment Proposal Form</b>	<b>CAP023</b>
<b>Title of Amendment Proposal:</b> Paragraph 8.15.4 - Rejection of a proposal	
<b>Description of the Proposed Amendment (mandatory by proposer):</b> This amendment seeks to allow the Amendments Panel to have discretion in determining whether or not a proposal should be rejected in the circumstances provided by Paragraph 8.15.4. <u>Note:</u> The principles behind this amendment have been discussed and agreed by the Governance Standing Group.	
<b>Description of Issue or Defect that Proposed Amendment seeks to Address (mandatory by proposer):</b> The requirement in Paragraph 8.15.4 of the CUSC for the Amendments Panel to reject a proposal is mandatory. This is potentially inefficient, particularly in the case of an Urgent Amendment Proposal being rejected by the Authority due to an error in the legal drafting or a similar technicality, but which the Authority may agree with in principle, since another proposal which has substantially the same effect as the rejected Urgent Amendment Proposal would be subject to the 2 month delay under the existing Paragraph 8.15.4(b). This proposal increases efficiency by allowing the Amendments Panel to have discretion in determining whether a proposal should be rejected.	
<b>Impact on the CUSC (this should be given where possible):</b> Paragraph 8.15.4 of the CUSC would require amendment to give effect to the change proposed. The draft text to give effect to this proposal is contained in Attachment 1. During the drafting of legal text to give effect to this proposal consideration was given to simple amendment of the word "shall" in Paragraph 8.15.4 to "may". However this gave rise to ambiguity as it suggested that the Panel Secretary was not bound by the opinion of the Amendments Panel to reject a proposal and was contrary to the intent of this proposal. Paragraph 8.15.4 has therefore been amended to clarify that the Amendments Panel have discretion in determining whether to reject a proposal and the Panel Secretary will then implement their decision.	
<b>Impact on Core Industry Documentation (this should be given where possible):</b> None.	
<b>Impact on Computer Systems and Processes used by CUSC Parties (this should be given where possible):</b> None.	
<b>Details of any Related Modifications to Other Industry Codes (where known):</b> None.	

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

The terms of the Transmission Licence require National Grid to establish and operate procedures for the modification of the CUSC, including the modification procedures themselves, so as to better facilitate achievement of the Applicable CUSC Objectives.

Paragraph 8.15.4 is not efficient in its mandatory requirement for the Panel to reject a proposal. It is inefficient for an Urgent Amendment Proposal which has been rejected by the Authority for technical reasons as described above and which may otherwise better facilitate the Applicable CUSC Objectives should to be subject to a 2 month delay before another proposal which has substantially the same effect as the Rejected Amendment Proposal may be raised. This proposal allows the Amendments Panel to have discretion in determining whether or not to direct the Panel Secretary to reject a proposal as provided for by Paragraph 8.15.4. This would improve efficiency in the process of amendments to the CUSC and hence enable National Grid to more efficiently discharge its obligations under the Transmission Licence.

<b>Details of Proposer:</b> Organisation's Name:	The National Grid Company plc
<b>Capacity in which the Amendment is being proposed:</b> (i.e. CUSC Party, BSC Party or "energywatch")	CUSC Party
<b>Details of Proposer's Representative:</b> Name: Organisation: Telephone Number: Email Address:	Andy Balkwill The National Grid Company plc 024 76423198 <a href="mailto:andy.balkwill@uk.ngrid.com">andy.balkwill@uk.ngrid.com</a>
<b>Details of Representative's Alternate:</b> Name: Organisation: Telephone Number: Email Address:	Emma Groves The National Grid Company plc 024 76423053 <a href="mailto:emma.groves@uk.ngrid.com">emma.groves@uk.ngrid.com</a>
<b>Attachments - Yes:</b> <b>If Yes, Title and No. of pages of each Attachment:</b> Attachment 1 – Draft Text to give effect to proposal. One page.	

**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:

Richard Dunn  
Panel Secretary  
Commercial Development  
National Grid Company plc  
National Grid House  
Kirby Corner Road  
Coventry, CV4 8JY  
Or via e-mail to: [CUSC.Team@uk.ngrid.com](mailto:CUSC.Team@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.

## Attachment 1

### Draft Text to give effect to the Amendment Proposal

8.15.4 Without prejudice to the development of an **Alternative Amendment** pursuant to Paragraph 8.20.2 the **Amendments Panel** may direct the **Panel Secretary** to reject a proposal ~~a proposal shall be rejected by the **Panel Secretary**~~ pursuant to Paragraph 8.15 if and to the extent that such proposal has, in the opinion of the **Amendments Panel**, substantially the same effect as:

- (a) a **Pending Amendment Proposal**; or
- (b) a **Rejected Amendment Proposal** where such proposal is made at any time within two (2) months after the decision of the **Authority** not to direct **NGC** to modify the **CUSC** pursuant to the **Transmission Licence** in the manner set out in such **Amendment Proposal**,

and the Panel Secretary shall notify the **Proposer** accordingly.