

## Workgroup Terms of Reference and Membership

### TERMS OF REFERENCE FOR CMP345 WORKGROUP

CMP345 - 'Defer the additional Covid-19 BSUoS costs'

#### Responsibilities

1. The Workgroup is responsible for assisting the CUSC Modifications Panel in the evaluation of CUSC Modification Proposal CMP345 'Defer the additional Covid- 19 BSUoS costs'
2. The proposal must be evaluated to consider whether it better facilitates achievement of the CUSC Objectives. These can be summarised as follows:

#### **Applicable CUSC Objectives (Charging)**

- a) That compliance with the use of system charging methodology facilitates effective competition in the generation and supply of electricity and (so far as is consistent therewith) facilitates competition in the sale, distribution and purchase of electricity;
  - b) That compliance with the use of system charging methodology results in charges which reflect, as far as is reasonably practicable, the costs (excluding any payments between transmission licensees which are made under and accordance with the STC) incurred by transmission licensees in their transmission businesses and which are compatible with standard licence condition C26 requirements of a connect and manage connection);
  - c) That, so far as is consistent with sub-paragraphs (a) and (b), the use of system charging methodology, as far as is reasonably practicable, properly takes account of the developments in transmission licensees' transmission businesses;
  - d) Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency. These are defined within the National Grid Electricity Transmission Plc Licence under Standard Condition C10, paragraph 1 \*; and
  - e) Promoting efficiency in the implementation and administration of the CUSC arrangements.
3. It should be noted that additional provisions apply where it is proposed to modify the CUSC Modification provisions, and generally reference should be made to the Transmission Licence for the full definition of the term.

## Scope of work

4. The Workgroup must consider the issues raised by the Modification Proposal and consider if the proposal identified better facilitates achievement of the CUSC Objectives.
5. In addition to the overriding requirement of paragraph 4, the Workgroup shall consider and report on the following specific issues:
  - a) Consider and set out clearly which parts of BSUOS charge should / could be deferred?;
  - b) Consider the appropriate level of BSUoS that can be deferred and what, if any, upper limits to the support would be;
  - c) Consider if Implementation Date can be backdated to 1 June 2020 (for BSUoS invoices for May onwards) taking account of the retrospective element within the urgency criteria;
  - d) Consider impacts of wider policy changes directly associated with COVID-19;
  - e) Consider alternative proposals - e.g. income adjusting event, change approach to half-hourly, allocation on a comparable average basis in the same periods in 2021/22 to keep the recovery pattern the same;
  - f) Consider billing system impacts;
  - g) Consider financeability of ESO, including the ESO's ability to defer BSUoS recovery, the recovery of bad debt and how the ESO would recover any cost for financing (if additional finance is required);
  - h) To assess the impact of the change on consumers, suppliers, generators and ESO both during COVID-19 and in the repayment period, taking account of whole market impacts (including wholesale market prices, credit effects and ancillary services income). Please note Ofgem comment on this in CMP345 Urgency Decision letter;
  - i) Consider appropriate timeline for BSUoS support including when "COVID-19 related BSUoS" costs stop being deferred and when re-payment should commence; and
  - j) Consider whether the proposed BSUoS deferral, if approved, would mean the potential increase in BSUoS VaR for all parties that would have arisen from higher BSUoS (and therefore any potential increase in credit cover is also deferred)
6. The Workgroup is responsible for the formulation and evaluation of any Workgroup Alternative CUSC Modifications (WACMs) arising from Group discussions which would, as compared with the Modification Proposal or the current version of the CUSC, better facilitate achieving the Applicable CUSC Objectives in relation to the issue or defect identified.
7. The Workgroup should become conversant with the definition of Workgroup Alternative CUSC Modification which appears in Section 11 (Interpretation and Definitions) of the CUSC. The definition entitles the Group and/or an individual member of the Workgroup to put forward a WACM if the member(s) genuinely believes the WACM would better facilitate the achievement of the Applicable CUSC Objectives, as compared with the Modification Proposal or the current version of the CUSC. The extent of the support for the Modification Proposal or any WACM arising from the Workgroup's discussions should be clearly described in the final Workgroup Report to the CUSC Modifications Panel.
8. Workgroup members should be mindful of efficiency and propose the fewest number of WACMs possible.

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9. All proposed WACMs should include the Proposer(s)'s details within the final Workgroup report, for the avoidance of doubt this includes WACMs which are proposed by the entire Workgroup or subset of members.
10. There is an obligation on the Workgroup to undertake a period of Consultation in accordance with CUSC 8.20. The Workgroup Consultation period shall be for a period of **3 working days** as determined by the Modifications Panel.
11. Following the Consultation period the Workgroup is required to consider all responses including any WG Consultation Alternative Requests. In undertaking an assessment of any WG Consultation Alternative Request, the Workgroup should consider whether it better facilitates the Applicable CUSC Objectives than the current version of the CUSC.

As appropriate, the Workgroup will be required to undertake any further analysis and update the original Modification Proposal and/or WACMs. All responses including any WG Consultation Alternative Requests shall be included within the final report including a summary of the Workgroup's deliberations and conclusions. The report should make it clear where and why the Workgroup chairman has exercised his right under the CUSC to progress a WG Consultation Alternative Request or a WACM against the majority views of Workgroup members. It should also be explicitly stated where, under these circumstances, the Workgroup chairman is employed by the same organisation who submitted the WG Consultation Alternative Request.

12. The Workgroup is to submit its final report to the Modifications Panel Secretary on **8 June 2020** for circulation to Panel Members. The final report conclusions will be presented to the CUSC Modifications Panel meeting on **9 June 2020**.

### Membership

13. It is recommended that the Workgroup has the following members:

| Role                              | Name                                     | Representing (User nominated) | Percentage of meetings attended |
|-----------------------------------|--|-------------------------------|---------------------------------|
| Chair                             | Paul Mullen                              | Code Administrator            | 100%                            |
| Technical Secretary               | Ren Walker                               | Code Administrator            | 100%                            |
| National Grid ESO Representative* | Grahame Neale (Alternate: Jenny Doherty) | National Grid ESO             | 100%                            |
| Workgroup Member and Proposer     | Garth Graham (Alternate: Andy Colley)    | SSE Generation Limited        | 100%                            |
| Workgroup Member                  | Grace March                              | Sembcorp                      | 100%                            |
| Workgroup Member                  | Bill Reed (Alternate: Raoul Thulin)      | RWE                           | 83% (not 29/5)                  |
| Workgroup Member                  | Paul Jones                               | Uniper                        | 100%                            |
| Workgroup Member                  | Paul Mott (Alternate: Binoy Dharsi)      | EDF Energy                    | 100%                            |
| Workgroup Member                  | Janes Kerr (Alternate: Stew Horne)       | Citizens Advice               | 100%                            |
| Workgroup Member                  | George Moran (Alternate: Andy Manning)   | Centrica                      | 100%                            |
| Workgroup Member                  | Joshua Logan (Alternate: Karl Maryon)    | Drax Power                    | 83% (not 29/5)                  |
| Workgroup Member                  | Sinon Lord (Alternate: Andrew Rimmer)    | Engie                         | 83% (not 29/5)                  |
| Workgroup Member                  | Jennifer Byrne (Alternate: Alex Garcia)  | GOTm Energy                   | 100%                            |
| Workgroup Member                  | Graz Macdonald                           | Virdis 178 Ltd                | 100%                            |

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|                    |   |                             |   |
|--------------------|---|-----------------------------|---|
|                    | (Alternate: Harry Townshend)                  |                             |   |
| Workgroup Member   | Tom Putney                                    | Smartest Energy             | 50% (not 1 <sup>st</sup> one on 28/5, 4/6 or 5/6) |
| Workgroup Member   | Joe Dunn (Alternate: Ricardo DaSilva)         | Scottish Power Renewables   | 100%  |
| Workgroup Member   | Kate Dooley (Alternate: Kamila Nugumanova)    | ESBI                        | 100%  |
| Workgroup Member   | Lisa Waters (Alternate: Kyran Hanks)          | Waters Wye                  | 100%  |
| Workgroup Member   | Matthew Cullen (Niall Coyle)                  | E.ON UK                     | 83% (not 29/5)                                    |
| Workgroup Member?  | John Harmer (Alternate Jon Crouch)            | Toucan Energy               | 100%  |
| Observer           | Jane West                                     | National Grid ESO (Finance) | 100%  |
| Observer           | Matthew Deitz (Alternate Joe Underwood)       | Energy UK                   | 67% (not 29/5 or 4/6)                             |
| Authority Observer | Lynda Carroll or Tim Aldridge or Eleanor Wood | Ofgem                       | 100%  |

NB: A Workgroup must comprise at least 5 members (who may be Panel Members). The roles identified with an asterisk (\*) in the table above contribute toward the required quorum, determined in accordance with paragraph 14 below.

14. The chairman of the Workgroup and the Modifications Panel Chairman must agree a number that will be quorum for each Workgroup meeting. The agreed figure for CMP345 is that at least 5 Workgroup members must participate in a meeting for quorum to be met.
15. A vote is to take place by all eligible Workgroup members on the Modification Proposal and each WACM. The vote shall be decided by simple majority of those present at the meeting at which the vote takes place (whether in person or by teleconference). The Workgroup chairman shall not have a vote, casting or otherwise. There may be up to three rounds of voting, as follows:
  - Vote 1: whether each proposal better facilitates the Applicable CUSC Objectives;
  - Vote 2: where one or more WACMs exist, whether each WACM better facilitates the Applicable CUSC Objectives than the original Modification Proposal;
  - Vote 3: which option is considered to BEST facilitate achievement of the Applicable CUSC Objectives. For the avoidance of doubt, this vote should include the existing CUSC baseline as an option.

The results from the vote and the reasons for such voting shall be recorded in the Workgroup report in as much detail as practicable.
16. It is expected that Workgroup members would only abstain from voting under limited circumstances, for example where a member feels that a proposal has been insufficiently developed. Where a member has such concerns, they should raise these with the Workgroup chairman at the earliest possible opportunity and certainly before the Workgroup vote takes place. Where abstention occurs, the reason should be recorded in the Workgroup report.
17. Workgroup members or their appointed alternate are required to attend a minimum of 50% of the Workgroup meetings to be eligible to participate in the Workgroup vote.
18. The Technical Secretary shall keep an Attendance Record for the Workgroup meetings and circulate the Attendance Record with the Action Notes after each meeting. This will be attached to the final Workgroup report.

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19. The Workgroup membership can be amended from time to time by the CUSC Modifications Panel.