



## **AMENDMENT REPORT VOLUME 2**

### **CUSC Amendment Proposal CAP177 Removal of CUSC Amendments Panel's ability to raise Amendment Proposals**

**This document contains consultation responses**

Amendment Ref	CAP177
Issue	V1.0
Date of Issue	19 <sup>th</sup> November 2009
Prepared by	National Grid

## ANNEX 1 - REPRESENTATIONS RECEIVED DURING CONSULTATION

This Annex includes copies of any representations received following circulation of the Consultation Document (circulated on 07/10/2009, requesting comments by close of business on 29/10/2009).

Representations were received from the following parties:

No.	Company	File Number
1	EDF ENERGY	CAP177-CR-01
2	RWE group of companies including RWE Npower, RWE Supply and Trading GmbH and RWE npower renewables, a fully owned subsidiary of RWE Innogy	CAP177-CR-02
3	ScottishPowers's Energy Wholesale Business which includes ScottishPower Generation Ltd, Scottish Power Energy Management Ltd and ScottishPower Renewable Energy Ltd	CAP177-CR-03
4	Keadby Generation Ltd.; SSE Energy Supply Ltd.; SSE Generation Ltd.; Medway Power Ltd.; Slough Energy Supplies Ltd.; Airtricity Ltd. And Airtricity Generation (UK) Ltd.	CAP177-CR-04

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To : [Cusc.Team@uk.ngrid.com](mailto:Cusc.Team@uk.ngrid.com)

03 November 2009

Dear CUSC Team,

EDF Energy response to CAP177 : "Removal of CUSC Amendments Panel's ability  
to  
raise Amendment Proposals"

EDF Energy is delighted to have the opportunity to comment on CUSC Amendment Proposal 177, which we support. We record here our thanks the CUSC Governance Standing Group for their work with Grid in developing this CUSC Amendment Proposal.

We note that the reason for the raising of CAP177, is that the CUSC Governance Standing Group has recently reviewed the parts of the CUSC that allow the CUSC Panel to raise an Amendment Proposal - and then vote on that same proposal as part of the standard Amendment Procedure.

The GSG concluded that this did not feel appropriate as it may result in the potential outcome of the Amendments Panel's recommendation vote being perceived as being a foregone conclusion given that the Amendment Proposal will have been raised by the Amendments Panel - in other words, it is a constitutional anomaly that the CUSC Panel should be "judge and jury". EDF agrees that this is wrong and agrees with the group's conclusion, embodied in the substance of CAP177, that if, following such a post-implementation review, an Amendment Proposal was deemed to be required, the onus should be on a party to the CUSC (or BSC Party or National Consumer Council) to raise the amendment - not the Panel.

Yours sincerely

Dr Sebastian Eyre, for and on behalf of EDF Energy

Bali Virk  
Electricity Balancing and Codes  
UK Transmission - Commercial  
National Grid  
Warwick Technology Park  
Gallows Hill, Warwick  
CV34 6DA

Your ref  
Our ref  
Name Charles Ruffell  
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E-Mail charles.ruffell@rwenpower.com

29<sup>th</sup> October, 2009

**CAP175: Urgent Amendment Proposals – Revision to Process**  
**CAP176: Correction of errors contained in the provisions for post-implementation reviews for Urgent Amendment Proposals**  
**CAP177: Removal of the CUSC Amendments Panel's ability to raise Amendment Proposals**

Dear Bali,

Thank you for the opportunity to comment on the consultation documents for CUSC Amendment Proposals CAP175: Urgent Amendment Proposals – Revision to Process; CAP176: Correction of errors contained in the provisions for post-implementation reviews for Urgent Amendment Proposals; and CAP177: Removal of the CUSC Amendments Panel's ability to raise Amendment Proposals. This response is provided on behalf of the RWE group of companies, including RWE npower, RWE Supply and Trading GmbH and RWE npower renewables, a fully owned subsidiary of RWE Innogy.

We support the views expressed in the consultation document and believe that the amendment proposals reflect discussions at the CUSC Governance Standing Group on the urgency provisions in the CUSC. In our view, it is appropriate that the processes associated with Urgent Amendment Proposals are clarified and we agree with National Grid that CAP 175, CAP 176 and CAP177 better facilitate the Applicable CUSC Objectives. Consequently we support implementation of CAP 175, CAP 176 and CAP177.

We hope these views are helpful and would be happy to discuss them further.

Yours sincerely,

By email so unsigned

Charles Ruffell  
Economic Regulation

RWE npower

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CV34 6DA

**Ref** CAP175, CAP176 & CAP177  
**Date** 28<sup>th</sup> October 2009

**Tel No.** 01355 845207  
**Email:** [ukelectricityspoc@saic.com](mailto:ukelectricityspoc@saic.com)

Dear Beverley,

**CUSC Amendment Proposals CAP175, CAP176 & CAP177**

Thank you for the opportunity to comment on the Consultation for Amendment Proposals CAP175, CAP176 & CAP177. This response is submitted on behalf of ScottishPower's Energy Wholesale Business which includes ScottishPower Generation Ltd, ScottishPower Energy Management Ltd and ScottishPower Renewable Energy Ltd.

ScottishPower support the proposed changes around the CUSC Urgent Amendment process. ScottishPower agree that these changes would add clarification, while simplifying the Urgent Proposal process.

I hope you find these comments useful. Should you have any queries on the points raised, please feel free to contact us.

Yours sincerely

Gary Henderson



For and on behalf of: ScottishPower's Energy Wholesale Business which includes ScottishPower Generation Ltd, ScottishPower Energy Management Ltd and ScottishPower Renewable Energy Ltd.

**Hook, Carole**

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**From:** Virk, Bali  
**Sent:** 28 October 2009 09:38  
**To:** Hook, Carole; Thomason, Alex  
**Subject:** FW: CAP177 Company Consultation

**From:** Garth.Graham@scottish-southern.co.uk [mailto:Garth.Graham@scottish-southern.co.uk]  
**Sent:** Tuesday, October 27, 2009 6:03 PM  
**To:** Virk, Bali  
**Subject:** Re: CAP177 Company Consultation

Dear Sirs,

CAP177 - Removal of CUSC Amendments Panel's ability to raise Amendment Proposals

This response is sent on behalf of Keadby Generation Ltd.; SSE Energy Supply Ltd.; SSE Generation Ltd.; Medway Power Ltd.; Slough Energy Supplies Ltd.; Airtricity Ltd. and Airtricity Generation (UK) Ltd.

We welcome the proposed changes associated with CAP177, namely to amend section 8.15.1 of the CUSC in order to remove the ability for the CUSC Amendments Panel to raise Amendment Proposals, as currently provided for in certain circumstances laid out in the CUSC.

This we believe is a pragmatic development in light of the recent experience with CUSC Amendment Proposals.

We agree with the National Grid view, as set out in paragraph 1.6 of the consultation document, that this change would better facilitate the Applicable CUSC Objectives and in particular Objective (a).

For the avoidance of doubt, if the proposal outlined in the recent consultation from Ofgem relating to the raising of amendment proposals arising from a 'Major Policy Review' were to proceed then we could see the case for reviewing this matter again.

Regards

Garth Graham, Electricity Market Development Manager

"Virk, Bali" <bali.virk@uk.ngrid.com>

To

cc

07/10/2009 10:05

Subject CAP175 - CAP177 Company Consultations

Dear CUSC Parties

Please note the consultations below are available at:

<http://www.nationalgrid.com/uk/Electricity/Codes/systemcode/amendments/currentamendmentproposals/>

03/11/2009

## **ANNEX 2 - REPRESENTATIONS RECEIVED TO THE DRAFT AMENDMENT REPORT**

One representation was received following circulation of the draft Amendment Report (circulated on 03/11/09, requesting comments by 5pm on 10/11/09).

Representations were received from the following parties:

<b>No.</b>	<b>Company</b>	<b>File Number</b>
1	EDF Energy	CAP177-AR-01

**Hook, Carole**

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**From:** Mott, Paul [Paul.Mott@edfenergy.com]  
**Sent:** 06 November 2009 14:48  
**To:** .Box.Cusc.Team  
**Subject:** CUSC Amendment Proposal CAP177 - amendment report - comments

<http://www.nationalgrid.com/NR/rdonlyres/459225F5-F3B9-4C88-A933-D54AA3AB4945/38194/CAP177ARv01.pdf>

CUSC Amendment Proposal CAP177 - AMENDMENT REPORT VOLUMES 1 and 2

Dear CUSC team,

The amendment report for CAP177 and the summary therein of EDF Energy's submission to the company consultation appear to be reasonable, comprehensive, and without error.

Yours,

Paul Mott writing for EDF Energy

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