

# CMP196 Workgroup Report



CUSC Modifications Panel, 24<sup>th</sup> June 2011  
Alex Thomason, CMP196 Workgroup Chair

# CMP196: Removal of “Recommendations” in Final Mod Report

---

- Raised by National Grid Electricity Transmission on 24<sup>th</sup> March 2011
- Raised on behalf of CAP190 Workgroup following QC advice and DECC correspondence
- Workgroup held 3 meetings and two Workgroup Consultations between March and June 2011

## **CMP196 Defect**

---

- CMP196 seeks to ensure existing rights of appeal to the Competition Commission are maintained
- Wording of the Statutory Instrument (SI) differs between CUSC and BSC
- SI refers to recommendation expressed in the Amendment Report
- Final Modification Report could contain multiple “recommendations”

## **CMP196 Solution**

---

- CMP196 proposes to have only one reference to “recommendation” in the final Modification Report
- Other “recommendations” will remain in essence, but have different names
- Implementation 10 Working Days after Authority decision
- Would apply to all live CMPs for which final Modification Report had not been submitted to Authority

## First Workgroup Consultation

---

- 4 responses received
- Unanimous support for CMP196
- Unanimous support for proposed implementation date
- No Workgroup Alternative CUSC Modifications
- Minor comments on legal text

## Post Workgroup Consultation

---

- Post-Consultation Ofgem comments received
  - Concern over a “two-stage” voting mechanism as introduced by the draft legal text
- Workgroup agreed revised text to consult on

## Second Workgroup Consultation

---

- 5 responses received
- Unanimous support for CMP196
- 2 respondents supported legal text changes
- Respondents sought clarity in a number of areas:
  - Consistency across BSC & CUSC for panel voting
  - Transmission licence requirements for panel recommendations
  - Whether Panel recommendations are a package
- Further minor change to draft legal text

## Workgroup Conclusions

---

- Workgroup terms of reference:
  - Agreed implementation approach in relation to current proposals
  - Agreed illustrative legal text in Workgroup report
  - Considered SI
- Overall CMP196 better facilitates Applicable CUSC Objectives
- Implementation 10 Working Days after Authority Decision
- Ability to appeal is determined by the Competition Commission



## Workgroup Vote

---

- 5 Workgroup members voted to implement CMP196
- Minority (2/5) against Applicable CUSC Objective (a):
  - CMP196 provides clarity, reduces confusion, thereby promoting efficiency in the modification procedures
- Unanimous against objective (b):
  - CMP196 removes a potential barrier to the right to appeal to the Competition Commission
  - CMP196 clarifies the ambiguity in the Statutory Instrument

## Cross-code consistency issue

---

- Further clarification received from ELEXON
- Confirm whether inconsistency exists between BSC and CUSC processes

## **CMP196 conclusions**

---

- Panel invited to:
  - AGREE Workgroup has completed terms of reference
  - ACCEPT Workgroup Report
  - AGREE CMP196 progresses to Code Administrator consultation

## Timetable

---

<b>28<sup>th</sup> June 2011</b>	<b>Publish Code Administrator consultation for 10 working days</b>
<b>12<sup>th</sup> July 2011</b>	<b>Code Administrator consultation closes</b>
<b>13<sup>th</sup> July 2011</b>	<b>Circulate draft Modification Report for industry comment</b>
<b>20<sup>th</sup> July 2011</b>	<b>Deadline for comments</b>
<b>21<sup>st</sup> July 2011</b>	<b>Publish updated draft Modification Report with Panel Papers</b>
<b>29<sup>th</sup> July 2011</b>	<b>Modifications Panel Vote</b>