

CMP198 Proposer Ownership of CUSC Modification Proposals – Workgroup Report



CUSC Modifications Panel, 30th September 2011
Alex Thomason, CMP198 Workgroup Chair

Background

- Recommendation under the Code Administrator Working Group (CAWG)
- Code Administration Code of Practice (CACOP)
Principle 6 applies to concept of Proposer Ownership
- CAP185 recognised the CACOP within the CUSC and clarified when Proposer can withdraw their Modification Proposal
- CMP198 was raised by National Grid on 19th May 2011.

CMP198 Defect (1)

- Proposers do not have full ownership of their Proposal
 - Workgroup develops Modification Proposals
 - Proposer has no greater influence on development than any other Workgroup member
 - Proposal could be amended contrary to Proposer's wishes
 - Proposer may feel obliged to withdraw proposal or raise an Alternative to regain control

CMP198 Defect (2)

- Legal text cannot be changed after Code Administrator Consultation published
 - Leads to process inefficiencies
 - Conflicts with Principle 9 of the CACOP

CMP198 Solution

- Proposer can vary their proposal up to the point of the Workgroup vote
- Where there is no Workgroup the right to vary lapses prior to the CA consultation being issued.
- The details and rationale for any variations must be included in the CUSC Modification Report
- The Panel have a number of options prior to undertaking the recommendation vote at the Panel meeting to consider any minor changes to the legal text that have been identified.
- Panel have flexibility to decide on most appropriate course of action

Workgroup Consultation

- Workgroup Consultation included potential Alternative
 - Allow Proposer explicit right to address CUSC Panel at meeting where Panel Recommendation Vote held
- 4 responses received
 - Unanimous support for CMP198
 - 1 respondent supported potential alternative, 3 did not
 - All supported proposed implementation approach
 - No Workgroup Consultation Alternative Requests

Workgroup Alternative

- Proposed by Workgroup Member
- Allow Proposer an explicit right to address the Panel
- Consistent with CACOP
 - Specifies that Proposer can address the Panel at various times throughout the process
- Majority of Workgroup did not support Alternative but felt it should be progressed to give Authority all options
- Workgroup Chairman put Alternative through on this basis

Workgroup Vote

- 5 Workgroup members voted
 - Unanimous that CMP198 better facilitates both objectives
 - Unanimous that WACM better facilitates objective (a), but majority view that it is **detrimental** to objective (b)
 - Majority view that CMP198 is “best” option (4/5 members)
 - Minority view that WACM is “best” option (1/5)

Views against Objectives

- CMP198 original better facilitates both objectives
- Applicable CUSC Objective (a):
 - Makes CUSC consistent with the CACOP and other industry codes
- Applicable CUSC objective (b):
 - Promotes greater engagement amongst users
 - Protects the Proposer's view, thereby encouraging participation and therefore competition

Workgroup Conclusions

- Workgroup has met terms of reference:
 - Agreed legal text
 - Agreed procedure for minor corrections to legal text
 - Considered and agreed one WACM
- CMP198 better facilitates both Applicable CUSC Objectives
- Majority preference for CMP198 original
- Implementation 10 Working Days after Authority Decision
- Applies to CMPs raised after CMP198 implementation

CMP198 Next Steps

- Panel invited to:
 - ACCEPT Workgroup Report
 - AGREE CMP198 progresses to Code Administrator consultation

Timetable

6th October	Publish Code Administrator Consultation
27th Oct	Code Administrator Consultation closes
3rd Nov	Draft final CUSC modification report published
10th Nov	Deadline for comment
25th Nov	Panel Recommendation Vote
29th Nov	Final CUSC Modification Report sent to Panel
6th Dec	Deadline for Panel comment
8th Dec	Final CUSC Modification Report sent to Ofgem
17th Jan	Indicative Authority Decision