

Code Administrator Consultation Response Proforma**CMP365: Improvements to CUSC Governance Arrangements**

Industry parties are invited to respond to this consultation expressing their views and supplying the rationale for those views, particularly in respect of any specific questions detailed below.

Please send your responses to cusc.team@nationalgrideso.com by **5pm on 4 May 2021**. Please note that any responses received after the deadline or sent to a different email address may not receive due consideration by the Panel.

If you have any queries on the content of this consultation, please contact Ren Walker Lurrentia.Walker@nationalgrideso.com or cusc.team@nationalgrideso.com

Respondent details	Please enter your details
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For reference the Applicable CUSC (non-charging) Objectives are:

- The efficient discharge by the Licensee of the obligations imposed on it by the Act and the Transmission Licence;*
- Facilitating effective competition in the generation and supply of electricity, and (so far as consistent therewith) facilitating such competition in the sale, distribution and purchase of electricity;*
- Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency *; and*
- Promoting efficiency in the implementation and administration of the CUSC arrangements.*

**Objective (c) refers specifically to European Regulation 2009/714/EC. Reference to the Agency is to the Agency for the Cooperation of Energy Regulators (ACER).*

Please express your views in the right-hand side of the table below, including your rationale.

Code Administrator Consultation questions		
1	Do you believe that the CMP365 Original Proposal better facilitates the Applicable Objectives?	As this proposal should improve the efficiency overall of the modification process, including an option for a new proposal to go through an initial assessment stage, we believe some elements of the original proposal will better facilitate non-charging objectives (a) and (d). We do not believe the proposed changes for Quoracy and Assessment of Alternatives will better facilitate the Applicable Objectives.
2	Do you support the proposed implementation approach?	The Implementation Approach element within the consultation document states 'N/A'. The legal text does provide for the relevant changes to the current processes.
3	Do you have any other comments?	<p>The proposer identifies the following areas and notes these are in line with a change to the Grid Code (GC0131 - 'Quick Win' Improvements to Grid Code Open Governance Arrangements) which was subsequently approved by the Authority and implemented in Nov-20:</p> <ul style="list-style-type: none"> Initial assessment of proposals – we believe this to be a useful optional step being added to the process Quoracy – to introduce a Limited Membership Workgroup where quoracy is an issue and we note some safeguards have been built in for this element, but we do not believe a Limited Membership Workgroup would be needed as quoracy is not being seen as an issue for CUSC workgroups. Is there a possibility that should quoracy not be achieved for a particular modification there is an underlying issue with the modification or it isn't seen a priority? We'd like to see further evidence of the need and benefits of a limited membership workgroup approach as we do not think based on our experience there is an issue that needs solving Assessment of alternatives – We agree that some steps are required to ensure alternatives don't mushroom out to cover all

	<p>potential choices in all aspects of any proposed change without good reason. In line with Standard Condition C10, all alternatives are already compared against a proposed modification and ultimately the current version of the CUSC, which is appropriate. To treat a proposed modification as already being the legal baseline to compare an alternative with does not seem proper in these circumstances. We do note the weakening in the proposed CUSC legal text by amending to '<i>may</i>' better facilitate from '<i>will</i>' better facilitate, to ensure alignment with Standard Condition C10. Greater clarity on how assessment of alternatives would take place and what better than really means may be useful. As some parties may view an alternative that goes less far in terms of aspects of the modification to be better than the proposal. Therefore, if a measure is introduced that means a proposal can't have more nuanced/less change options this could be counterproductive and potentially result in a new change proposal being raised in full, over their being a suitable alternative considered. We do not therefore support these aspects of the changes regarding the assessment of an alternative proposal</p> <ul style="list-style-type: none">• Titles and summaries of proposals – we believe enabling the Panel Secretary to discuss any amendments with the proposer to be an appropriate step and recently saw a DCUSA Change Proposal (DCP) 384 where following such discussions with the proposer the title of the DCP was amended• Role of the Code Administrator Consultation – we agree with the additional steps both pre and post the mandatory Code Administrator Consultation to aid development of the solution• Production of draft legal text – we agree the Code Administrator takes ownership of the legal text
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