



Making a positive difference
for energy consumers

Trisha McCauley
CUSC Panel Chair
C/O National Grid ESO
Gallows Hill
Warwick
CV34 6DA

Email: harriet.harmon@ofgem.gov.uk

Date: 24 November 2021

Dear Trisha,

Re: CUSC Modification Proposals 368 and 369

Our decisions of 17 December 2020 in respect of CUSC Modification Proposals (“CMP”) 317/327 and 339 have been the subject of a CMA Appeal; the CMA’s decision of 31 March 2021 to reject that appeal is now the subject of an ongoing Judicial Review.

We had previously indicated that we intended to make a decision on the related CMPs 368 and 369 before the end of the calendar year such that – if we were to approve one of the options presented to us in the Final Modification Report – it could take effect for the 2022/23 charging year.

We write to confirm that we intend to wait until judgment has been issued in the Judicial Review before reaching a decision in respect of CMPs 368 and 369, even if judgment is not available before the end of the calendar year¹. We are particularly mindful of the material effect of increased wholesale costs on the retail market, and of the potentially compounding effect on suppliers of near-term changes to network charges. We consider in the circumstances it is appropriate to defer making a decision on CMPs 368 and 369 until judgment is available.

¹ Depending on the outcome of the Judicial Review, it is possible that we will decide to delay our decision further to take into account any appeals. We will decide whether or not this is appropriate having regard to all the circumstances once the outcome is known.

In the circumstances, we want to ensure CUSC Panel members and broader industry are kept up to date and would therefore ask that the Code Administrator publishes or otherwise shares this letter with industry (perhaps as Panel papers).

Yours sincerely,

Harriet Harmon
Head of Transmission Charging Policy