Workgroup Consultation Response Proforma

GC0148: Implementation of EU Emergency and Restoration Code Phase II

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 grid.code@nationalgrideso.com by **5pm** on **27 April 2022**. Please note that any responses received after the deadline or sent to a different email address may not receive due consideration.

If you have any queries on the content of this consultation, please contact Sally Musaka sally.musaka@nationalgrideso.com or grid.code@nationalgrideso.com.

Respondent details	Please enter your details
Respondent name:	Grace March
Company name:	Sembcorp UK
Email address:	Grace.march@sembcorp.com
Phone number:	07554439689

I wish my response to be:
(Please mark the relevant box)   ☒Non-Confidential   ☐Confidential

Note: A confidential response will be disclosed to the Authority in full but, unless agreed otherwise, will not be shared with the Panel or the industry and may therefore not influence the debate to the same extent as a non-confidential response.

For reference the Applicable Grid Code Objectives are:

a) *To permit the development, maintenance and operation of an efficient, coordinated and economical system for the transmission of electricity*
b) *Facilitating effective competition in the generation and supply of electricity (and without limiting the foregoing, to facilitate the national electricity transmission system being made available to persons authorised to supply or generate electricity on terms which neither prevent nor restrict competition in the supply or generation of electricity);*
c) *Subject to sub-paragraphs (i) and (ii), to promote the security and efficiency of the electricity generation, transmission and distribution systems in the national electricity transmission system operator area taken as a whole;*
d) *To efficiently discharge the obligations imposed upon the licensee by this license and to comply with the Electricity Regulation and any relevant legally binding decisions of the European Commission and/or the Agency; and*
e) *To promote efficiency in the implementation and administration of the Grid Code arrangements*

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

Standard Workgroup Consultation questions		
1	Do you believe that the Original Proposal better facilitates the Applicable Objectives?	Mark the Objectives which you believe the Original Solution better facilitates:
		Original ☒A ☐B ☒C ☒D ☐E
		Click or tap here to enter text.
2	Do you support the proposed implementation approach?	☒Yes ☐No
		Click or tap here to enter text.
3	Do you have any other comments?	There needs to be clarity as to which modifications are related to ESRS and Distributed Restart, which are both in development and modifications relating to the NCER, which is already in place. The defect and proposer's solution seems to suggest this modification is inended to be only in relation to the NCER, but there has been scope creep during WG discussions as the issues are leading to the same eventual goal (i.e. safe, efficient and legal restoration)
4	Do you wish to raise a Workgroup Consultation Alternative Request for the Workgroup to consider?	☐Yes ☒No
		Click or tap here to enter text.

Specific Workgroup Consultation questions- GC0148		
5	Do you think it is appropriate to include the Distributed Restart amendments within this modification bearing in mind such proposals would fall under the EU Emergency and Restoration Code, or do you think that the Distributed Restart legal text should be transferred to GC0156, so that it can be finalised in the context	☐Yes ☒No
		The ESRS is separate scheme, that will need to be compliant with NCER, but is still under development and has a separate modification. Distributed Restart is not necessary for compliance with NCER – the defect of this modification – and so should not be 'bundled in' when the details are likely to change as ESRS develops further.

	of the ERSR requirements? Please provide a rationale for your response.	
6a	The DR legal text has been drafted on the basis that i) there will be a Connection Agreement with the DNO that binds an embedded RSP to the DCode and ii) a Tripartite Agreement that binds the embedded RSP to the relevant parts of the GCode and DCode. Do you see any difficulties with this proposed contractual arrangement?	☒Yes ☐No
		There are clear processes for changes to the Connection agreement and for the DCode and GCode but they do not link together directly. There is significant risk of requirements diverging, unless the contracts are carefully drafted to call on each other. The RSP will have a responsibility to make sure the contracts to do disagree, but will have limited ability to affect changes, especially if they are the only party affected. All DNOs are bound by the Codes but only one DNO will be bound by the Connection Agreement and, given the case-by-case nature of Distributed Restart, there is a risk of misalignment between different DNOs, different RSPs and potentially conflicting agreements.
6b	The DR legal text has been drafted on the basis that NGESO will lead on the procurement of RSs. This is one of the three implementation methods developed in the Distributed Restart project as described in section / annex 11 of this consultation. Do you agree that this is the most appropriate way to implement Distributed Restart, or should one of the alternative approaches be developed? Please	☒Yes ☐No
		As the DRZP and LJRP plans will need to work simultaneously, it makes sense that the ESO is procuring services for both plans.

	provide a rationale for your response	
7	Do you believe Distribution Network Operators, Significant Grid Users, Defence Service Providers and Restoration Service Providers have adequate resilience of their critical tools and facilities as detailed in EU NCER Article 42(1)(2) and (5) as drafted in the legal text in Annex 8 Please provide your rationale. Do you believe that the NCER requirements have been correctly interpreted in the proposed legal text?	☐Yes ☐No Click or tap here to enter text. --- ☐Yes ☐No Click or tap here to enter text.
8	Do you believe it is appropriate to have a mains independence minimum resilience period of 24 hours as required by the NCER or 72 hours as is generally standard in GB for existing black start purposes and is being proposed as part of the ESRS work?	☒Yes ☐No Click or tap here to enter text.
9	Do you believe the approach proposed of introducing non-CUSC parties under the framework of the NCER (i.e. non-CUSC parties who have a contract with the ESO as defence service providers and/or restoration service providers) is an	☒Yes ☐No With Black Start/ESRS services, there will always be questions of transparency vs safety, but it is important that non-CUSC Parties are treated in a similar manner to CUSC Parties with regards to transparency to wider industry, e.g. if total ESO spend on CUSC Party RSPs is provided, the same data should be published for non-CUSC Party RSPs.

	appropriate solution going forward? If not please explain why you believe this is the case.	
10	Do you have any comments on the draft distributed restart contracts in Annex 15?	☐Yes ☐No Click or tap here to enter text.
11	Do you have any comments on the notification letters in Annex 7?	☐Yes ☐No Click or tap here to enter text.