

Code Administrator Meeting Summary

Meeting name: CM079 Workgroup 4 - Consideration of STC/STCP changes in relation to CMP330/374

Date: 12/07/2023

Contact Details

Chair: **Elana Byrne ESO**, elana.byrne@nationalgrideso.com

Proposer: **Richard Woodward NGET**, richard.woodward@nationalgrid.com

Key areas of discussion

Discussion points for this Workgroup were set out in the agenda:

- **Workgroup meeting objectives**
- **Brief update on actions from Workgroup 5**
- **Brief overview of Terms of Reference and Timeline**
- **Address any critical updates of draft legal text (time permitting)**
- **Review Workgroup Consultation questions and finalise Workgroup Consultation**
- **Terms of Reference review**
- **Revisit Timeline**
- **AOB & Next Steps**

As CM079 Workgroup resumed in June 2023 the Chair confirmed detail of voting Members with the group for clarification going forward.

A request was made by the Chair that all official emails included the STC box account.

Workgroup Objectives

The following items were the objective of the Workgroup for this session:

- Review the Workgroup Consultation and questions to finalise the document
- Terms of Reference review
- Update action from Workgroup 5
- Address any critical draft legal text

Action updates from Workgroup 5

Each action was discussed with the relevant Workgroup Member and a number were closed, some are ongoing, and these can be found in the action section below.

Terms of Reference Summary

Terms of Reference points (a) to (e) were summarised by the Chair who confirmed where the group had met them and where further work was needed.

The Proposer agreed to add some wording to the Solution Map which would clarify the use of a RAG (Red, Amber, Green) status to meet point (b).

The Proposer shared his concern around point (d) and issues that may arise for TOs in the Adoption Agreement (i.e. ambiguity around the term 'fair commercial terms' from the CUSC).

An ESO representative responded to say that if the Adoption Agreement were to be standardised this would protect TO's but understood that this issue was not easy to fix.

The Proposer noted that if TO's felt strongly about the issue they could use their ability to respond to the consultation and/or in their voting statements to flag this.

Point (e) was also discussed, and an action was taken for the Chair to contact Ofgem to request they attend the next Workgroup meeting or an offline meeting to discuss TOs' concerns.

The Proposer advised the Workgroup that some wording has been added to the consultation document and this could be review later in the meeting.

Timeline Review

Workgroup Members were happy with the Timeline and no issues or potential changes were identified.

Review any critical updates to draft legal text

The Proposer shared the latest version of Section D, part 2 draft legal text for the Workgroup to review.

- **Processes to Facilitate Provision of Contestable Assets (Section D part 2)**

Several sections had been updated by the Proposer and their legal team, so the Proposer pointed these out to the group giving brief rational for the updates. The Workgroup Members agreed with the changes.

The Proposer requested a steer from the Workgroup Members as to whether they thought a new STCP Proposal needed to be raised to address the Intervention process. Members agreed and the Proposer took the action to start the process to raise the new modification.

Draft Consultation

The Chair shared the Workgroup Consultation giving an overview on the following sections:

- **What is the issue**
- **Proposer’s Solution**
- **Implementation date**
- **Impacts of change**
- **Interactions**

There were several changes made in the document to provide clarity and these were agreed by the Workgroup. It was highlighted that if a STCP modification was to be raised this would also need to be added to the list of interactions. The document was updated to address this.

Within the Disputes section of the consultation, it was noted that ESO were to review the wording for their stance on this topic. The ESO representative shared their wording for the Chair to add into the document. The Proposer requested alternative text as they thought the ESO text was too vague. This was added, and the Chair requested feedback from group. The ESO representative advised they would like to take this way and check internally with their legal team.

In the section for “Managing a failure of delivery of contestable Assets” the Proposer advised they would look at this again, do some re-wording and share with the group.

Wording in the Implementation section was updated to reflect the TOs position and agreed by the Workgroup.

It was agreed that the legal text will still be in draft form when shared with the consultation, and this would be shared in the annex.

The section for Proposer’s assessment against Code Objectives was discussed and the Proposer advised that they may add an additional paragraph at the beginning of the section to explain the complexity of the changes and revise the wording for their comments.

Next Steps

The Chair is to send an updated version of consultation once all amendments are complete, Workgroup Members are to respond with written confirmation of approval.

Workgroup Consultation 19 July – 8 August 2023

Actions

For the full action log, [click here](#).

Action number	Workgroup Raised	Owner	Action	Comment	Due by	Status
3	WG4	Proposer	Proposer to draft legal text and consult with ESO regarding contestability and ramifications of proposed	Covered in Action 11		Closed

			changes (ESO to involve the internal ESO legal team)			
4	WG4	ESO	ESO to identify whether anything further needs to feature in the legal text for TO support	Part of Action 11 so can be closed	NA	Closed
8	WG5	Proposer	Proposer to think about the Intervention Criteria regarding STCP creation and changes to STCP (18-1)	New STCP and minor changes to 18-1 agreed	WG6	Closed
9	WG5	ESO	ESO to refer to their internal legal team to see if there is anything disputable in CUSC Adoption Agreement Principles	Discussion held between Proposer, ESO & ESO legal for agreed text to feature in consultation doc & FMR	WG6	Closed
10	WG5	ESO	The ESO to consider what supports is needed from TOs regarding CUSC 7.4 process	ESO legal to consider timelines	Ongoing	Ongoing
11	WG5	Proposer	Proposer to share updated legal text with Chair to share with ESO for their legal review	To be shared as a complete batch for version control/review	Ongoing	Ongoing
12	WG6	Proposer	Proposer to provide an updated Solution Map (with RAG status wording) to include as a consultation annex	NA	13.07	Complete
13	WG6	Chair/ESO	Request Ofgem Representative attend the next Workgroup Meeting or set up a separate Meeting to discuss Workgroup concerns around point e) in the TORs	NA	WG7	Open
14	WG6	ESO	ESO to speak to legal team internally regarding wording added to the consultation document (Disputes)	NA	WG7	Open
15	WG6	Chair	Confirm what stage relevant CUSC modification will be at when consultation document is issued	NA	WG7	Open
16	WG6	Proposer	Add wording to manging failure section	NA	WG7	Open
17	WG6	Code Admin	NGET/ESO reference to be checked and Code Admin to	NA	TBC	Open

address in next housekeeping
modification

Attendees

Name	Initial	Company	Role
Richard Woodward	RW	NGET	Proposer
Elana Byrne	EB	Code Administrator, ESO	Chair
Deborah Spencer	DS	Code Administrator, ESO	Tech Sec
Alexander Rohit	AR	Statkraft	Alternate
Catia Gomes	CG	Code Administrator, ESO	Observer
Greg Stevenson	GS	SSE	Observer
Joe Jordan	JJ	SPT	Workgroup Member
Michelle MacDonald Sandison	MMS	SSE	Workgroup Member
Neil Dewar	ND	ESO	Observer
Stephen Baker	SB	ESO	Workgroup member