

CUSC Modification Proposal Form

CMP414: CMP330/CMP374 Consequential Modification

Overview: This is a consequential Modification proposal that enacts the Workgroup solution from CMP330/374, by updating Exhibit B, Section 2 and Section 11 of the CUSC

Modification process & timetable



Status summary: The Proposer has raised a modification and is seeking a decision from the Panel on the governance route to be taken.

This modification is expected to have a: **Medium impact**

Generators, Transmission Owners, NGENSO

Proposer's recommendation of governance route

Standard Governance modification to proceed to Code Administrator Consultation

Who can I talk to about the change?

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What is the issue?

Contestability currently sits within Section 14 Charging Methodologies under paragraph 14.7. Following a comprehensive review of Contestability as part of the [CMP330/CMP374: Allowing new Transmission Connected parties to build Connection Assets greater than 2km in length & CMP374: Extending contestability for Transmission Connections](#) Workgroup, they established that the existing wording is limited and insufficient for CUSC Users.

Additionally, the CMP330/CMP374 Workgroup agreed that Contestability is best suited to be assessed under Non-Charging objectives and the legal text better sits within Section 2 of the CUSC which is proposed in this modification.

Why change?

The existing CMP330/CMP374 Modification proposal will be assessed under the CUSC Charging Applicable Objectives (applicable to Section 14 only), therefore the CMP330/CMP374 Workgroup decision to relocate Contestability and the additional wording related to the CMP330/CMP374 solution to Section 2 requires assessment against the CUSC Non-Charging Applicable Objectives.

What is the proposer's solution?

CMP330/ CMP374 and CMP414 should be considered in conjunction with each other in terms of approval and implementation.

The CMP330/CMP374 modification will be assessed against the CUSC Charging Applicable Objectives and the CMP330/CMP374 legal text proposes the deletion of Contestability from Section 14 on the basis that CMP414 proposes to relocate and expand on the existing clauses on Contestability from Section 14 of CUSC (Charging Methodologies) into Section 2 (Connections) as per discussions of the CMP330/CMP374 Workgroup and supporting legal reviews.

Also, as agreed by the CMP330/CMP374 Workgroup, there are proposed new definitions within Section 11 for Adoption Agreement and Contestable Assets, and references to Contestable Assets are proposed to be included in CUSC Exhibit B.

The rationale for the proposed changes to Section 2 are outlined within the CMP330/CMP374 Workgroup Report as this modification is a vehicle to enact the CMP330/CMP374 solution.

Legal text

CMP414 Legal text in Annex 1

CMP330/CMP374 draft legal text in Annex 2

Proposer's assessment against CUSC Non-Charging Objectives

Relevant Objective	Identified impact
(a) The efficient discharge by the Licensee of the obligations imposed on it by the Act and the Transmission Licence;	Neutral
(b) Facilitating effective competition in the generation and supply of electricity, and (so far as consistent therewith)	Positive

facilitating such competition in the sale, distribution and purchase of electricity;	Previous charging and connection methodologies were moved into Section 14 of CUSC. The CMP330/374 Workgroup determined that Contestability and Contestable Assets would be better aligned to Section 2 in CUSC, which would better suit competition
(c) Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency *; and	Neutral
(d) Promoting efficiency in the implementation and administration of the CUSC arrangements.	Positive By moving Contestable Assets and Adoption Agreements to Section 2 of the CUSC, it ensures that CUSC arrangements for Connections are all in the same area increasing efficiency for CUSC Users and readers.
*The Electricity Regulation referred to in objective (c) is Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast) as it has effect immediately before IP completion day as read with the modifications set out in the SI 2020/1006.	

When will this change take place?

Implementation date

Aligned to the implementation date (if approved by the Authority) of CMP330/374

Date decision required by

As soon as possible

Implementation approach

This modification can only be approved and implemented in conjunction with CMP330/CMP374

The Connection Application Process noted in CUSC Exhibit B has been amended to reflect the removal of Transmission Connected Assets and inclusion of Contestable Assets along with an amendment to the "Application for a New Connection Form" contained within the Exhibit B.

Proposer's justification for governance route

Governance route: Standard Governance modification to proceed to Code Administrator Consultation

This Modification Proposal is intrinsically linked to CMP330/CMP374 and there have been multiple Workgroups dedicated to working towards a solution. Therefore, we do not believe further Workgroup meetings are required. The CMP330/CMP374 Workgroup were unanimous in their view that Contestability should sit in Section 2 of CUSC. This Modification proposal facilitates that requirement.

Guidance on governance routes		
Timescales	Route	Who makes the decision (Governance type)
Normal	Proceed to Code Administrator Consultation*	Authority (Standard Governance) or Panel (Self-Governance)
	Assessment by a Workgroup**	
Urgent	Proceed to Code Administrator Consultation	Authority (Standard Governance)
	Assessment by a Workgroup	
Fast-track	Straight to appeals window, then implementation	Panel (Self-Governance)
<p>* This route is for modifications which have a fully developed solution and therefore don't need to be considered by a Workgroup.</p> <p>** For modifications which need further input from industry to develop the solution.</p>		
Self-Governance Criteria		
<p>It depends on the material effect of the modification as to whether it should be subject to Standard or Self-Governance. If you are proposing that your modification should be subject to Self-Governance, you must explain how it meets the below criteria.</p> <p>The modification is unlikely to discriminate between different CUSC Parties and is unlikely to have a material effect on:</p> <ul style="list-style-type: none"> Existing or future electricity customers; Competition in the generation, distribution, or supply of electricity or any commercial activities connected with the generation, distribution or supply of electricity, The operation of the National Electricity Transmission System Matters relating to sustainable development, safety or security of supply, or the management of market or network emergencies The CUSC Panel's governance procedures or the CUSC Panel's modification procedures 		
Urgency Criteria		
<p>If you are proposing that your modification is Urgent, you must explain how it meets Ofgem's Urgent criteria (below). When modifications are granted Urgency, this enables the us to shorten the standard timescales for industry consultations. Note that the we (Code Admin) must seek Authority approval for this option.</p> <p>Ofgem's current guidance states that an urgent modification should be linked to an imminent issue or a current issue that if not urgently addressed may cause:</p> <ul style="list-style-type: none"> A significant commercial impact on parties, consumers or other stakeholder(s); or A significant impact on the safety and security of the electricity and/or gas systems; or A party to be in breach of any relevant legal requirements. 		
Fast-Track Self-Governance Criteria		
<p>This route is for modifications which are minimal changes to the code. E.g. Typos within the codes. If you are proposing that your modification should be subject to Fast-Track Self-Governance, you must explain how it meets the below criteria.</p> <p>The modification is a housekeeping modification required as a result of an error or factual change, such as:</p> <ul style="list-style-type: none"> Updating names or addresses listed in the CUSC; Correcting minor typographical errors; Correcting formatting and consistency errors, such as paragraph numbering, or; Updating out of date references to other documents or paragraphs. 		

Interactions

- | | | | |
|--|--|---|--------------------------------|
| <input type="checkbox"/> Grid Code | <input type="checkbox"/> BSC | <input checked="" type="checkbox"/> STC | <input type="checkbox"/> SQSS |
| <input type="checkbox"/> European
Network Codes | <input type="checkbox"/> EBR Article 18
T&Cs ¹ | <input type="checkbox"/> Other
modifications | <input type="checkbox"/> Other |

CM079 is the STC consequential modification to CMP330/CMP374

Acronyms, key terms and reference material

Acronym / key term	Meaning
BSC	Balancing and Settlement Code
CMP	CUSC Modification Proposal
CUSC	Connection and Use of System Code
EBR	Electricity Balancing Regulation
STC	System Operator Transmission Owner Code
SQSS	Security and Quality of Supply Standards
T&Cs	Terms and Conditions

Reference material

- None

Annexes

Annex	Information
Annex 1	Legal Text
Annex 2	CMP330/374 Draft Legal Text

¹ If your modification amends any of the clauses mapped out in Exhibit Y to the CUSC, it will change the Terms & Conditions relating to Balancing Service Providers. The modification will need to follow the process set out in Article 18 of the Electricity Balancing Guideline (EBR – EU Regulation 2017/2195) – the main aspect of this is that the modification will need to be consulted on for 1 month in the Code Administrator Consultation phase. N.B. This will also satisfy the requirements of the NCER process.