Milly Lewis

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BY EMAIL Only

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| | |
|---|---|
| Date | 16/11/2023 |
| Your reference | |
| Our reference | BN-23-017 |
| Enclosure(s) | Code Administrator Consultation Response Proforma |
| Subject | BritNed response to the Re-introduction Of BSUoS consultation |

Dear Milly,

Thank you for providing the opportunity to respond to the consultation on CMP396 on the re-introduction of BSUoS on interconnector lead parties.

BritNed Development Limited (hereafter: BDL) considers the proposed CMP396 solution to be unlawful as per the independent legal review carried out by CMS LLP on 28 March 2023. BDL views that the proposed solution should be rejected.

Please also find the answers to the consultation questions below in the response proforma in Annex 1.

Yours faithfully,

**BRITNED DEVELOPMENT LIMITED**

Jan Hoogstraaten
Regulatory Manager
For and on behalf of BritNed Development Limited

Annex 1:

**Code Administrator Consultation Response Proforma**

# CMP396: Re-introduction Of BSUoS on Interconnector Lead Parties

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 **17 November 2023**. 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 Milly Lewis Milly.Lewis@nationalgrideso.com or cusc.team@nationalgrideso.com

| Respondent details | Please enter your details | |
|---|---|---|
| **Respondent name:** | Jan Hoogstraaten | |
| **Company name:** | BritNed Development Limited | |
| **Email address:** | Jan.Hoogstraaten@britned.com | |
| **Phone number:** | | |
| **Which best describes your organisation?** | ☐Consumer body<br>☐Demand<br>☐Distribution Network Operator<br>☐Generator<br>☐Industry body | ☒Interconnector<br>☐Storage<br>☐Supplier<br>☐Transmission Owner<br>☐Virtual Lead Party<br>☐Other |

**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 CUSC (charging) Objectives are:

a. *That compliance with the use of system charging methodology facilitates effective competition in the generation and supply of electricity and (so far as is consistent therewith) facilitates competition in the sale, distribution and purchase of electricity;*

b. *That compliance with the use of system charging methodology results in charges which reflect, as far as is reasonably practicable, the costs (excluding any payments between transmission licensees which are made under and accordance with the STC) incurred by transmission licensees in their transmission businesses and which are compatible with standard licence condition C26 requirements of a connect and manage connection);*

c. *That, so far as is consistent with sub-paragraphs (a) and (b), the use of system charging methodology, as far as is reasonably practicable, properly takes account of the developments in transmission licensees' transmission businesses;*

d. *Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency *; and*

e. *Promoting efficiency in the implementation and administration of the system charging methodology.*

***The Electricity Regulation referred to in objective (d) 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.*

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

| Standard Code Administrator Consultation questions | | | |
|---|---|---|---|
| 1 | Please provide your assessment for the proposed CMP396 solution against the Applicable Objectives? | Mark the Objectives which you believe the proposed CMP396 solution better facilitates: | |
| | | Original | ☐A ☐B ☐C ☐D ☐E |
| | | The proposed solution does not better facilitate than the solution that is already in place. | |
| 2 | Do you support the proposed implementation approach? | ☐Yes<br>☒ No | |
| | | As per the independent legal advice provided by CMS on behalf of the CMP396 CUSC workgroup, BDL views this code modification proposal to be unlawful. BDL views that the proposed solution should be rejected. | |
| 3 | Do you have any other comments? | | |