FSO



Agenda

Lead
Chair
Proposer
ESO SMEs
ESO SMEs
ESO SMEs
Chair
Chair
Chair

Timeline and Topics

Claire Goult – ESO Code Administrator

Timeline for CMP434 and CM095 as at 02 May 2024

Milestone	Date	Milestone	Date
Workgroup Nominations (4 Business Days)	26 April 2024 to 02 May 2024	Code Administrator Consultation (9 Business Days)	19 August 2024 to 02 September 2024
Ofgem grant Urgency	01 May 2024(5pm)	Draft Final Modification Report (DFMR) issued to Panel (3 Business Days)	09 September 2024
Assuming Ofgem have granted Urgency Workgroup meetings 1 - 10	07 May 2024 14 May 2024 16 May 2024 22 May 2024 28 May 2024 05 June 2024 11 June 2024 13 June 2024 20 June 2024	Panel undertake DFMR recommendation vote (Special Panel)	13 September 2024 (by 2pm)
Workgroup Consultation (8 Business Days)	25 June 2024 – 05 July 2024	Final Modification Report issued to Panel to check votes recorded correctly	13 September 2024 (by 4pm)
Workgroup meeting 11 - 15	16 July 2024 18 July 2024 24 July 2024 30 July 2024 06 August 2024	Final Modification Report issued to Ofgem	13 September 2024 (by 5pm)
Workgroup report issued to Panel (2 Business Days)	13 August 2024	Ofgem decision	06 November 2024
Special Panel sign off that Workgroup Report has met its Terms of Reference	16 August 2024	Implementation Date	01 January 2025

Outline of Workgroup(s) Meeting Topics

WG meeting 1	Set the scene, ToR, timeline, ways of working, context—why connections reform, what are the issues and solutions, what is and isn't scope, cross code impacts, who is impacted and how?
WG meeting 2	 Clarifying which projects go through the primary process. Clarifying any deviations from primary process e.g. for certain technologies.
WG meeting 3 and WG meeting 4	 Gate 1 criteria (including financial element requirement) and process Gate 1 Licence changes Introducing the concept of a Connections Network Design Methodology (the content and any approvals of this to be covered outside the Code Modification process) and DFTC
WG meeting 5 and WG meeting 6	 Gate 2 Criteria (including land planning financial element requirement), Letter of Authority changes (allowable amendments to red line boundaries and introduction of duplication checks), including impacts to Queue Management (Milestones and impact to all contracts) and NESO designation (criteria and process)
WG meeting 7 and WG meeting 8	 Gate 2 process (including how DNOs notify the ESO of Relevant Embedded Small Power Stations or Relevant Embedded Medium Power Stations which meet Gate 2 criteria)/Material/Significant Technology Change Gate 2 Criteria Update/Evidence Submission Process/DFTC/Workgroup Consultation Update
WG meeting 9 and WG meeting 10	 Gate 1 and Gate 2 disputes process, Gate 1 offer/contract content, Gate 2 offer/contract content Implementation approach Identify which STCPs will change (STC only) Identify which sections of legal text will change (Separate CUSC and STC) Finalise WG Consultation (Separate CUSC and STC)

WG10 Scene Setting

Joe Henry – ESO Proposer

Meeting Objectives

What is the focus of the meeting?

- Gate 2 Criteria -Forward Looking QM Milestones
- Gate 1 and Gate 2
 Offer Content
- DFTC Gate 1Outcome and Gate 2 Offer

What is the ask of the workgroup?

Input on outlined agenda items

What is the desired output of the meeting?

Shared understanding of the proposal in relation to:

- Gate 2 criteria forward looking QM milestones
- Offer content at gate
 1 and 2 including
 projects coming
 through DFTC
- NESO Designation
- CNDM

What should not be discussed?

 Items previously discussed unless expressly listed in the Agenda **Gate 2 Criteria - Forward Looking Queue Management Milestones Part 1**

Paul Mullen - SME

Planning: Ongoing Compliance

Gate 2 Criteria on its own should provide a good mechanism for ensuring 'readier' projects are in the connections queue; however, we consider that there should be ongoing incentives and obligations beyond Gate 2 to ensure that projects are viable and continue to be developed at an efficient pace.

If the submission of the application for planning (Queue Management Milestone (M1)) is forward calculated* from Gate 2 offer acceptance date we believe this provides an appropriate incentive for projects to progress from Gate 2 towards connection.

Ongoing Compliance (Planning):

- Requirement to submit the application for planning consent at the earliest of:
 - i) the Queue Management Milestone M1 ("M1") calculated back from the connection date (as per current CMP376 methodology); or
 - ii) M1 calculated forwards from the Gate 2 offer acceptance date (based on an agreed standard time period calculated from the date that the Gate 2 offer is accepted for each planning type) to move from Queue Management Milestone M3 ("M3") to M1.

Appendix 1 shows how Queue Management Milestone M3 could be amended to reflect this and the evidence requirements for Queue Management Milestone M1

Note: We are currently considering whether more Queue Management Milestones become forward looking to incentivise delivery

Note: Work on alignment of Queue Management Milestones with Distribution is being done via ENA working group



Note that we asked CMP434 Workgroup on 28 May for feedback on what they believe is a suitable timeline for each planning type and why by close of play 3 June 2024. The next slide shares the key feedback.

Planning Ongoing Compliance – You said

Planning Type	Period from Gate 2 Offer acceptance to submission of application for Planning Consent
Town and Country Planning (England, Scotland and Wales)	Typically 18-24 months for the pre-app work including EIA works, surveys and engagement with one developer noting it is extremely rare that can do less than a years worth of ecological surveys. Some support for 12 months (Sufficient time to secure planning permission if developer is ready to go)
Section 36 (Scotland)	Typically 18-24 months and requirements similar to Town and Country Planning
Development of National Significance (Wales - akin to NSIP)	Typically 24 months - As Town and Country Planning but extra engagement with local stakeholders is required pre-submission
NSIP (need Development Consent Order - England)	Typically 3 years as complex and duration and timing of some surveys e.g. most breeding bird surveys are required to be carried out over two breeding/nesting seasons and comprehensive engagement and consultation. A developer noted this could be 5 years for Offshore and Nuclear



Note at CMP434 Workgroup on 13 June, sought views on whether in practice, developers would progress land and planning in parallel and how does this impact the above typical timelines? (also *noting that under Queue Management Milestones there is only 3 months between Queue Management Milestone M3 and M1 so asked for Workgroup views on why the delta has increased – feedback was that this is due to only having an indicative location).*

Impact of Forward-Looking Milestones

Paul Mullen

Background to illustrative examples

Requirement to submit the application for planning consent at the earliest of:

- i) the Queue Management Milestone M1 ("M1") calculated back from the connection date (as per current CMP376 methodology); or
- ii) M1 calculated forwards from the Gate 2 offer acceptance date (based on an agreed standard time period calculated from the date that the Gate 2 offer is accepted for each planning type) to move from Queue Management Milestone M3 ("M3") to M1.
- Seeking Workgroup Views as to whether or not this requirement should apply to further Queue Management Milestones and why note we have included M2 in the illustrative examples of this slide pack?

The following slides show some examples of what the forward looking and backwards looking Milestones would be for Queue Management Milestone M2 for completeness as is the last pre-construction milestone)

- 1st 2 slides are based on a Signed Gate 2 Offer of 1 December 2025 and a Connection Date of 1 April 2033 with 1st slide using the typical timescales (per planning type) and the 2nd slide using a suggested timescale proposed (assuming land and planning are progressed in parallel).
- The 3rd and 4th slides are based on a Signed Gate 2 Offer of 1 December 2025 and a Connection Date of 1 April 2032 with 3rd slide using the typical timescales (per planning type) and the 4th slide using a suggested timescale proposed (assuming land and planning are progressed in parallel).



Provide views on the illustrative examples (overall – the greatest impact is for those planning types/technology types with shorter lead times)

Any other scenarios we need to work up?

Queue Management Milestones –Example if M1 and M2 forward looking (Workgroup provided typical timescales)

Signed Gate 2 Offer – 1 December 2025 Connection Date – 1 April 2033

	Town and Country Planning (18 months)*	Section 36 (18 months)	DNS – Wales only (2 years)	DCO (3 years)	Offshore/Nuclear (5 years)
M1 forward calculated	1 June 2027	1 June 2027	1 December 2027	1 December 2028	1 December 2030
M1 based on CMP376 – backwards calculated (48 months from Connection Date)	1 April 2029	1 April 2029	1 April 2029	1 April 2029	1 April 2029
M2 forward calculated from M1 (assumed 18 months*)	1 December 2028	1 December 2028	1 June 2029	1 June 2030	1 June 2032
M2 - based on CMP376 – backwards calculated (21 months from Connection Date)	1 July 2031	1 July 2031	1 July 2031	1 July 2031	1 July 2031

^{*} Based on current Queue Management Milestones, 18 months is the longest time allowed between M1 and M2.

Text in blue shows what the Queue Management Milestones would be in the Construction Agreement

Queue Management Milestones –Example if M1 and M2 forward looking

Signed Gate 2 Offer – 1 December 2025 Connection Date – 1 April 2033

	Town and Country Planning (1 year)*	Section 36 (1year)	DNS – Wales only (18 months)	DCO (2 years)	Offshore/Nuclear (3 years)
M1 forward calculated	1 December 2026	1 December 2026	1 June 2027	1 December 2027	1 December 2028
M1 based on CMP376 – backwards calculated (48 months from Connection Date)	1 April 2029	1 April 2029	1 April 2029	1 April 2029	1 April 2029
M2 forward calculated from M1 (assumed 18 months**)	1 June 2028	1 June 2028	1 December 2028	1 June 2029	1 June 2030
M2 - based on CMP376 – backwards calculated (21 months from Connection Date)	1 July 2031	1 July 2031	1 July 2031	1 July 2031	1 July 2031

^{*} Have assumed developers will do land and planning work in parallel so have took some time off the typical timescales provided by Workgroup but this is just for illustration.

Text in blue shows what the Queue Management Milestones would be in the Construction Agreement

^{**} Based on current Queue Management Milestones, 18 months is the longest time allowed between M1 and M2.

Queue Management Milestones –Example if M1 and M2 forward looking (Workgroup provided typical timescales)

Signed Gate 2 Offer – 1 December 2025 Connection Date – 1 April 2032

	Town and Country Planning (18 months)*	Section 36 (18 months)	DNS – Wales only (2 years)	DCO (3 years)	Offshore/Nuclear (5 years)
M1 forward calculated	1 June 2027	1 June 2027	1 December 2027	1 December 2028	1 December 2030
M1 based on CMP376 – backwards calculated (48 months from Connection Date)	1 April 2028	1 April 2028	1 April 2028	1 April 2028	1 April 2028
M2 forward calculated from M1 (assumed 18 months*)	1 December 2028	1 December 2028	1 June 2029	1 June 2030	1 June 2032
M2 - based on CMP376 – backwards calculated (21 months from Connection Date)	1 July 2030	1 July 2030	1 July 2030	1 July 2030	1 July 2030

^{*} Based on current Queue Management Milestones, 18 months is the longest time allowed between M1 and M2. Text in blue shows what the Queue Management Milestones would be in the Construction Agreement

Queue Management Milestones –Example if M1 and M2 forward looking

Signed Gate 2 Offer – 1 December 2025 Connection Date – 1 April 2032

	Town and Country Planning (1 year)*	Section 36 (1year)	DNS – Wales only (18 months)	DCO (2 years)	Offshore/Nuclear (3 years)
M1 forward calculated	1 December 2026	1 December 2026	1 June 2027	1 December 2027	1 December 2028
M1 based on CMP376 – backwards calculated (48 months from Connection Date)	1 April 2028	1 April 2028	1 April 2028	1 April 2028	1 April 2028
M2 forward calculated from M1 (assumed 18 months**)	1 December 2027	1 December 2027	1 December 2028	1 June 2029	1 June 2030
M2 - based on CMP376 – backwards calculated (21 months from Connection Date)	1 July 2030	1 July 2030	1 July 2030	1 July 2030	1 July 2030

^{*} Have assumed developers will do land and planning work in parallel so have took some time off the typical timescales provided by Workgroup but this is just for illustration.

Text in blue shows what the Queue Management Milestones would be in the Construction Agreement

^{**} Based on current Queue Management Milestones, 18 months is the longest time allowed between M1 and M2.

Queue Management Milestones – Pre-Construction

Conditional Progression Milestones	From 0 up to 2 years (0 – 729 days) from contracted Completion date	2 up to 3 years (730 – 1094 days) from contracted Completion date	3 up to 4 years (1095 to 1459 days) from contracted Completion date	4 up to 5 years (1460 – 1824 days) from contracted Completion date	5 years (1825 days) and above from contracted Completion date
Milestones:	All durations refer	enced back from co	ntracted Completion	n Date	
M1 - Initiated Statutory Consents and Planning Permission	Bilaterally negotiated	18 months	24 months	36 months	48 months
M2 - Secured Statutory					
Consents and Planning Permission		12 months	18 months	24 months	30 months
M3 - Secure Land Rights		21 months	27 months	39 months	51 months

Queue Management Milestones - Construction

Construction Progression Milestones	From 0 up to 2 years (0 – 729 days) from contracted Completion date	2 up to 3 years (730 – 1094 days) from contracted Completion date	3 up to 4 years (1095 to 1459 days) from contracted Completion date	4 up to 5 years (1460 – 1824 days) from contracted Completion date	5 years (1825 days) and above from contracted Completion date
Milestones:	All durations ref	erenced back from co	ntracted Completion	Date	
M5 - Contestable Design Works Submission		12 months	15 months	18 months	21 months
M6 - Agree Construction Plan	Bilaterally negotiated	9 Months	12 months	15 months	18 Months
M7 - Project Commitment		6 Months	9 months	12 months	15 Months
M8 - Initiate Construction		3 months	6 Months	9 months	12 months

Appendix – Queue Management Milestone Changes

Paul Mullen

Appendix 1 - Queue Management Milestone M3 Changes

Milestone Requirement

The User must have secured the required land rights to enable the construction of the project. The User may be the owner/occupier of the land or has the necessary agreement from the owner/occupier.

Proposed to be removed as part of Gate 2 Criteria

Update to clarify requirements for Offshore Hybrid Assets and Interconnectors

Evidence Required

- The User is an owner or tenant of the land on which the proposed site is or will be situated; or
- (ii) The User has entered into an agreement to lease the land from the owner of the land on which the proposed site is or will be situated; or
- iii) The User has an option to purchase or to lease the land from the owner of the land on which the proposed site is or will be situated; or
- (iv) The User has entered into an exclusivity agreement in relation to the land with the owner of the land on which the proposed site is or will be situated; or
- v) For an offshore site, the User has entered into an agreement for occupation or use of the seabed upon which the User's project (excluding any OTSDUW) is or will be located Nb the obligation is to secure and evidence the land right for the site of the installation e.g. Power Station or demand site so the evidence does not relate to rights e.g. easements associated with that site or OTSDUW.

Compliance with this milestone is ongoing.

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Note proposed changes

Appendix 1 - Queue Management Milestone M1 Changes

Milestone Requirement

Where statutory consents are required for the construction of the User's project, the User must begin the process of seeking statutory consents, including Planning Permission for the project within the timescales and be able to provide the required evidence.

Clarify for those meeting the Gate 2 criteria this will also be calculated forwards (based on an agreed standard time period for each planning type) to move from Queue Management Milestone M3 to Queue Management Milestone M1) as well as calculated back from the connection date (as per current CMP376 methodology). The developer will be required to meet the earliest Queue Management Milestone M1 date

Evidence Required

Submission of planning application to the relevant Statutory Authority or, if the User's project does not require a statutory consent, a declaration from the User to that effect.

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Note proposed changes

Planning: Ongoing Compliance

Milestone	Examples of evidence submission
Milestone 1) Initiated Statutory Consents and Planning Permission	Planning application reference number (that is provided to User once they have submitted their application and it has been validated by the relevant Statutory Authority).
	The ESO will confirm against the Planning Portal (if the site is located in England and Wales) or Scottish Government - Energy Consents Unit - Application Search (if the site is located in Scotland) or alternatively it will confirm with relevant Statutory Authority.
	If the User's project does not require a statutory consent, then the User needs to provide a signed letter from the companies Director stating that no statutory consent is required.
	The User to upload the evidence via the Connections Portal for approval by the ESO.

Gate 1 and Gate 2 Offer Content

Alex Curtis - SME

Gate 1 Offer

Gate 1 Offer will be in same form and content as offers today (i.e. offer letter, BCA,BEGA/BELLA and Construction Agreement) but will be structured on basis that:

The rights and obligations under those agreements will be conditional on reaching Gate 2 and then accepting the Gate 2 Offer (and new clause added to that effect) so agreement is not "live" till until that point

The Gate 1 agreement will acknowledge the technology / capacity / TEC applied for

Provide for information only (and on basis it remains to/will be confirmed in the Gate 2 offer) an indicative connection date and location

Contain an appendix which confirms the above TEC and indicative connection date and location, but will not a be a full suite of blank Appendices

A longstop date
will be added giving right to
terminate if not accepted Gate 2
offer within agreed time frame (
when agreed)

Gate 2 Offer

This Modification offer (ATV) will update and populate the Gate 1 agreements and on acceptance bring the Gate 1 agreements as updated into effect "live"

Reflecting any project changes from Gate 1 allowed in the Gate 2 application process or Gate 1 – technology / capacity

Identify the transmission works required and construction programme

Provide the confirmed the connection date and location

Confirm and apply charges

Identify any changes to the Gate 1 terms to reflect any project specific requirements eg staged connections, restrictions on availability, charging

Populated relevant Bilateral and Construction Agreement appendices

Securities statements MM1-3 will be provided, liabilities will then apply and so securities will be requested **DFTC Gate 1 outcome and Gate 2 offer**

Alison Price - SME

New process: Gate 1 Indicative date and location provided back to DNO's



DFTC submission in the Gate 1 Application Window is an exchange of information between DNO's to ESO and TO's e.g. Connected Generation, Accepted Not Connected (Gate 2 Achieved/not Achieved) and DFTC forecast.

- TO's will be obliged to assess the DFTC submission and respond back to the ESO on DFTC, with indicative date information at each GSP in the same time as the Gate 1 offer process.
- The response will be the DFTC outcome document—content of response still to be clarified.
- TO's send DFTC outcome document to ESO.
- DNO's will have the opportunity for ESO/TO discuss.
- ESO prepare the document for publication (initial thinking 1 report per DNO, catering for each GSP).
- ESO will be obliged to publish response to DFTC on the ESO website and to notify DNO's of date of publication.
- The indicative date can be put into a customers Distribution connection offer.

Example of populated Table 4 – DFTC per GSP

Table 4 DFTC - 1 year ahead acceptances			
Technology	DFTC Forecast (MW)		
Solar PV	40		
Waste/ CHP	0		
Hydro	0		
Wind	0		
Other	30		
BESS Export	20		
BESS Import	20		
Total Export	90		

- We expect as a minimum to receive back an indicative date of T connection from the relevant TO for each row of data
- What the ESO receives back from the TOs will need to be confirmed by the CND methodology workstream.

Gate 2 offer process for DNO's – remains largely unchanged



Project Progression being equivalent to Gate 2 application

BAU

- TO's develop draft TOCO for Project Progression received from DNO and send to ESO for review.
- TO's to issue final TOCO to ESO for review.
- ESO updates necessary contract appendices* and prepares offer, which is issued to DNO's
- DNO sign's contract 12 weeks allowance (DNO's have the opportunity to query the offer with the ESO)
- Countersigning of documents between the DNO, TO and ESO.
- Securities and liabilities process as BAU.

Queue Management

- No change being proposed to what is in the ESO/DNO construction agreement currently.
- ENA working group to seek to align Distribution Queue Management milestones in response to CMP434

^{*}Form of [Appendix G] will need updating to reflect TMO4+.

Actions and Query Log

Claire Goult – ESO Code Administrator

Workgrou	p Owner	Action	Due by	Status
WG1	JH	Tighten up the language RE: User Commitment Methodology/ Final Sums	WG2	N/Ă
WG2	JH	Explain the interaction of CMP434 with GC0117, consider the potential impact if GC0117 approved such as a need for an additional code modification	WG3	N/A
WG2	ALL	Add agenda time to respond to papers provided by Workgroup members	WG4	Open
WG2	ALL	Workgroup to propose what they think could change in their application between Gate 1 and Gate 2	TBC	Open
WG4	JH	Consider alignment of crown estate invitation to tender and auction timing	TBC	Open
WG5	RW/GL	Look into where STC changes for CNDM should be located within main body of STC and STCPs	TBC	Open
WG5	FP	Are the duplication checks at Gate 2 against projects who are within the gate 2 applicants pool of that period, gate 2 applicants that are yet to accept their offer, or/and applicants who have accepted their Gate 2 offer	TBC	Open
WG6	JN/AQ	Consider legal perspective on NESO designation	TBC	Open
WG6	МО	Update/develop slides presented based on Workgroup feedback	TBC	Open
WG6	JH	Consider if an impact assessment by the ESO on the proposed solution is achievable within the current timescales	TBC	Open
WG7	LH	Clarify the ESO Position as to why the capacity reallocation process is out of scope for CMP434	TBC	Open
WG7	MO	Consult ESO legal team to consider using existing legal definitions for clarification (substantial modification) and reconsider terminology being used (material/significant/allowable)	TBC	Open
WG7	LH/SG	Update on the Technology Change Policy Paper and consider request to share prior to consultation	TBC	Open
WG7	SMEs	Provide a list of policy documents envisaged for TMO4+ and for which details are not within scope of CMP434 (e.g.CNDM). Also provide a list of their contents/principles the documents are using if not available for the WG consultation	TBC	Open
WG9	AP/KS	Take Workgroup feedback to ENA regarding the name of the DFTC methodology document – consider renaming to provide clarification	TBC	New
WG9	AP/KS	DFTC document – Provide answers to the following questions – Who approves the document, who can change it, who follows it and who can challenge it (the route to challenge specifically)	TBC	New
WG9	MO/AQ	In terms of the 3 year long stop cancellation of sites/capacity provide detail to what element of the CUSC is being referenced and how this is envisaged to work?	TBC	New
WG9	AQ	To explain how the dispute process will fit into the statutory approach (legal route)	TBC	New
WG9	MO	More detail requested by Workgroup to make a judgement on Connection Point and Capacity Reservation (including offshore)	TBC	New
WG9	MO	Clarify TO/ESO in terms of CNDM and what would got into the Gate 1 offer	TBC	New
	WG1 WG2 WG2 WG2 WG4 WG5 WG5 WG6 WG6 WG7 WG7 WG7 WG7 WG7 WG9 WG9 WG9	WG1 JH WG2 JH WG2 ALL WG2 ALL WG4 JH WG5 RW/GL WG5 FP WG6 JN/AQ WG6 MO WG6 JH WG7 LH WG7 LH/SG WG7 SMEs WG9 AP/KS WG9 AP/KS WG9 MO/AQ WG9 MO	WG1 JH Tighten up the language RE: User Commitment Methodology/ Final Sums WG2 JH Explain the interaction of CMP434 with GC0117, consider the potential impact if GC0117 approved such as a need for an additional code modification WG2 ALL Add agenda time to respond to papers provided by Workgroup members WG2 ALL Workgroup to propose what they think could change in their application between Gate 1 and Gate 2 WG4 JH Consider alignment of crown estate invitation to tender and auction timing WG5 RWGL Look into where STC changes for CNDM should be located within main body of STC and STCPs WG5 FP Are the duplication checks at Gate 2 against projects who are within the gate 2 applicants pool of that period, gate 2 applicants that are yet to accept their offer, or/and applicants who have accepted their Gate 2 offer WG6 JN/AQ Consider legal perspective on NESO designation WG6 JN/AQ Consider legal perspective on NESO designation WG6 JH Consider if an impact assessment by the ESO on the proposed solution is achievable within the current timescales WG7 LH Clarify the ESO Position as to why the capacity reallocation process is out of scope for CMP434 WG7 MO Consult ESO legal team to consider using existing legal de	WG1JHTighten up the language RE: User Commitment Methodology/ Final SumsWG2WG2JHExplain the interaction of CMP434 with GC0117, consider the potential impact if GC0117 approved such as a need for an additional code modificationWG3WG2ALLAdd agenda time to respond to papers provided by Workgroup membersWG4WG2ALLWorkgroup to propose what they think could change in their application between Gate 1 and Gate 2TBCWG4JHConsider alignment of crown estate invitation to tender and auction timingTBCWG5RW/GLLook into where STC changes for CNDM should be located within main body of STC and STCPsTBCWG5FPAre the duplication checks at Gate 2 against projects who are within the gate 2 applicants pool of that period, gate 2 applicantsTBCWG6JN/AQConsider legal perspective on NESO designationTBCWG6MOUpdate/develop slides presented based on Workgroup feedbackTBCWG6JHConsider if an impact assessment by the ESO on the proposed solution is achievable within the current timescalesTBCWG7LHClarify the ESO Position as to why the capacity reallocation process is out of scope for CMP434TBCWG7MOConsult ESO legal team to consider using existing legal definitions for clarification (substantial modification) and reconsider terminology being used (material/significant/allowable)TBCWG7SMEsProvide a list of policy documents envisaged for TMO4+ and for which details are not within scope of CMP434 (e.g.CNDM). Also provide a list of their contents/principles the documents are using if not

Any Other BusinessClaire Goult – ESO Code Administrator

Next Steps

Claire Goult – ESO Code Administrator

Appendix

Guidance on Workgroup Vote and Workgroup Alternative Requests

What is the Alternative Request?

What is an Alternative Request? The formal starting point for a Workgroup Alternative Modification to be developed which can be raised up until the Workgroup Vote.

What do I need to include in my Alternative Request form? The requirements are the same for a Modification Proposal you need to articulate in writing:

- a description (in reasonable but not excessive detail) of the issue or defect as outlined in the Original Proposal which the alternative seeks to address compared to the current proposed solution(s);
- the reasons why the you believe that the proposed alternative request would better facilitate the Applicable Objectives compared with the current proposed solution(s) together with background information;
- where possible, an indication of those parts of the Code which would need amending in order to give effect to (and/or would otherwise be affected by) the proposed alterative request and an indication of the impacts of those amendments or effects; and
- where possible, an indication of the impact of the proposed alterative request on relevant computer systems and processes.

How do Alternative Requests become formal Workgroup Alternative Modifications? The Workgroup will carry out a Vote on Alternatives Requests. If the majority of the Workgroup members or the Workgroup Chair believe the Alternative Request will better facilitate the Applicable Objectives than the current proposed solution(s), the Workgroup will develop it as a Workgroup Alternative Modification.

Who develops the legal text for Workgroup Alternative Modifications? ESO will assist Proposers and Workgroups with the production of draft legal text once a clear solution has been developed to support discussion and understanding of the Workgroup Alternative Modifications.

What is the Alternative Vote?

To participate in any votes, Workgroup members need to have attended at least 50% of meetings. The vote shall be decided by simple majority of those present at the meeting at which the vote takes place (whether in person or by teleconference)

Stage 1 – Alternative Vote

- Vote on whether Workgroup Alternative Requests should become Workgroup Alternative CUSC/ STC Modifications.
- The Alternative vote is carried out to identify the level of Workgroup support there is for any potential alternative options that have been brought forward by either any member of the Workgroup OR an Industry Participant as part of the Workgroup Consultation.
- Should the majority of the Workgroup OR the Chair believe that the potential alternative solution may better facilitate the CUSC/ STC objectives than the Original then the potential alternative will be fully developed by the Workgroup with legal text to form a Workgroup Alternative CUSC modification (WACM)/ STC modification (WASTM) and submitted to the Panel and Authority alongside the Original solution for the Panel Recommendation vote and the Authority decision.

What is the Workgroup Vote?

To participate in any votes, Workgroup members need to have attended at least 50% of meetings. The vote shall be decided by simple majority of those present at the meeting at which the vote takes place (whether in person or by teleconference)

Stage 2 – Workgroup Vote

- 2a) Assess the original and Workgroup Alternative (if there are any) against the relevant Applicable Objectives compared to the baseline (the current code)
- 2b) Vote on which of the options is best.

Alternate Requests cannot be raised after the Stage 2 – Workgroup Vote