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27th July 2015

Dear Industry Colleagues,

## **Timeline for opening of the 'CMP213 Judicial Review Period'**

Last July Ofgem approved CMP213 'Project TransmiT TNUoS Developments' which will change the way Transmission Network Use of System (TNUoS) charges are calculated from April 2016<sup>1</sup>. This determination has been the subject of a judicial review which has presented generation customers with uncertainty when making decisions whether to close or change their Transmission Entry Capacity (TEC) in timely manner to avoid a Cancellation Charge.

As a consequence, earlier this year Ofgem approved CMP240 'Amending the Cancellation Charge liability within a CMP213 judicial review period' which introduced a window referred to as the 'CMP213 Judicial Review Period'. During this window, generation customers can give less notice to disconnect/reduce TEC than is generally required to avoid liability for a Cancellation Charge<sup>2</sup>. This window will last for a period of 20 business days (inclusive) from the day on which (having exhausted all appeals) the judicial review proceedings against the Authority's decision to approve CMP213 are concluded.

A judgement has now been handed down dismissing the claim. Our current intention, allowing for the initial 21 day appeal period, is to open the 'CMP213 Judicial Review' period on Friday 21<sup>st</sup> August 2015. The window would then close on Friday 18<sup>th</sup> September 2015. We will need to reconsider this in the event an appeal is made and we will contact customers again before 21<sup>st</sup> August 2015 to formally confirm these arrangements.

If you any queries in relation to this letter please contact Andy Wainwright, Commercial Policy Development Manager on 01926 655944 (email: [andy.wainwright@nationalgrid.com](mailto:andy.wainwright@nationalgrid.com)).

Yours sincerely,



Nicola Paton  
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<sup>1</sup> Our latest forecast of these charges will shortly be available on our website; <http://www2.nationalgrid.com/UK/Industry-information/System-charges/Electricity-transmission/Approval-conditions/Condition-5/>

<sup>2</sup> Full details can be found in paragraph 3.11 of section 15 of the CUSC; <http://www2.nationalgrid.com/The-CUSC/The-Connection-and-Use-of-System-Code/Section-15---User-Commitment-Methodology---V1-5/>