

# CMFTP229 'Abolition of National Consumer Council'

What stage is this document at?

01

Draft CUSC Modification Fast Track Report

02

Approved CUSC Modification Fast Track Report

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**Submission Date: 15 April 2014**

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**Details of proposer's alternate: Alex Thomason, National Grid Electricity Transmission plc, CUSC Party**

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**The CUSC Panel determination : 25 April 2014**

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### Any Questions?

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## About this document

This CUSC Modification Fast Track Proposal was presented to the CUSC Panel on 25 April 2014.

## Document Control

Version	Date	Author	Change Reference
0.1	15 April 2014	Code Administrator	Draft CUSC Modification Fast Track Proposal Report
0.2	23 April 2014	Code Administrator	Updated legal text
0.3	28 April 2014	Code Administrator	CUSC Panel view and updated legal text.

## 1 Why Change

- 1.1 The Proposer believes that CMFTP229 meets the Fast Track Criteria. This proposal seeks to address a factual change and change of name listed within the CUSC.
- 1.2 The National Consumer Council was abolished on 1 April 2014 by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014. The National Consumer Council's functions under the Electricity Act 1989 are transferred to Citizens Advice and Citizens Advice Scotland with effect from 1 April 2014.
- 1.3 Ofgem issued a statutory licence consultation to reflect the abolition of the National Consumer Council and transfer of duties to Citizens Advice and Citizens Advice Scotland within gas and electricity licences. Subsequently, the Authority issued a direction to change the Electricity Transmission licences with effect from 22 April 2014 to replace any reference to 'the National Consumer Council' with 'Citizens Advice' and/or 'Citizens Advice Scotland'.
- 1.4 It is worth noting that while the National Consumer Council is being replaced by two organisations in the form of Citizens Advice and Citizens Advice Scotland. The existing provisions within CUSC Section 8 for one Panel member to be appointed (by Citizens Advice/Citizens Advice Scotland) will remain unchanged. It will be up to Citizens Advice and Citizens Advice Scotland to determine between them how they fill the one seat available to them.
- 1.5 CMFTP229 seeks to effect the changes required by the Statutory Instrument and the Electricity Transmission Licence.

## 2 Solution

- 2.1 It is proposed that a number of changes are made to CUSC Section 8 and Section 11. The proposed updates can be seen in the change marked Section 3 of this document.

## 3 Proposed Legal Text

- 3.1 CMFTP229 proposes to make changes to Section 8 and Section 11 of the CUSC as follows;

### **Section 8: CUSC Modification**

Change paragraph 8.3.1(b)(iv) as follows;

8.3.1 (b) The CUSC Modifications Panel shall comprise the following members:

[...]

(iv) ~~The Consumer Representative not more than one person appointed by the National Consumer Council representing all categories of customers~~, appointed in accordance with Paragraph 8.4.2(b); and

Change paragraph 8.4.2(b) as follows;

(b) ~~The National Consumer Council~~ **Citizens Advice or the Citizens Advice Scotland** may appoint one person as a **Panel Member** representing customers by giving notice of such appointment to the **Panel Secretary**, and may remove and re-appoint by notice.

Change paragraph 8.9.2 as follows;

8.9.2 Meetings of the **CUSC Modifications Panel** shall be open to attendance by a representative of any **CUSC Party**, any **BSC Party** ~~or, the National Consumer Council~~ **Citizens Advice or the Citizens Advice Scotland** and any person invited by the **Panel Chairman** and/or any other **Panel Member**.

Change paragraph 8.16.1(a)(i) as follows;

(a) A proposal to modify the **CUSC** (excluding the **Charging Methodologies**) may be made:

(i) by a **CUSC Party**, by the ~~National Consumer Council~~ **Citizens Advice**, by the **Citizens Advice Scotland** or by a **BSC Party**; or

Change paragraph 8.16.1(b)(i) as follows;

(b) A proposal to modify the **Charging Methodologies** may be made:

(i) by a **CUSC Party**, by the ~~National Consumer Council~~ **Citizens Advice**, by the **Citizens Advice Scotland** or by a **BSC Party**; or

Change paragraph 8.20.3 as follows;

A **Workgroup** shall comprise at least five (5) persons (who may be **Panel Members**) selected by the **CUSC Modifications Panel** from those nominated by **CUSC Parties**, **BSC Parties**, ~~or the National Consumer Council~~ **the Citizens Advice or the Citizens Advice Scotland** for their relevant experience and/or expertise in the areas forming the subject-matter of the **CUSC Modification Proposal(s)** to be considered by such **Workgroup** (and the **CUSC Modifications Panel** shall ensure, as far as possible, that an appropriate cross-section of representation, experience and expertise is represented on such **Workgroup**) provided that there shall always be at least one member representing **The Company** and if, and only if, the **CUSC Modifications Panel** is of the view that a **CUSC Modification Proposal** is likely to have an impact on the **STC**, the **CUSC Modifications Panel** may invite the **STC** committee to appoint a representative to become a member of the **Workgroup**. A representative of the **Authority** may attend any meeting of a **Workgroup** as an observer and may speak at such meeting.

Change paragraph 8.20.9 as follows;

Subject to the provisions of this Paragraph 8.20.9 and unless otherwise determined by the **CUSC Modifications Panel**, the **Workgroup** shall develop and adopt its own internal working procedures for the conduct of its business and shall provide a copy of such procedures to the **Panel Secretary** in respect of each **CUSC Modification Proposal** for which it is responsible. Unless the **CUSC Modifications Panel** otherwise determines, meetings of each **Workgroup** shall be open to attendance by a representative of any **CUSC Party**, any **BSC Party**, ~~or the National Consumer Council~~ **the Citizens Advice**, **the Citizens Advice Scotland** and any person invited by the chairman, and the chairman of a **Workgroup** may invite any such person to speak at such meetings.

Change paragraph 8.20.13 as follows;

8.20.13 Any **CUSC Party**, **BSC Party**, ~~or the National Consumer Council~~ **the Citizens Advice** or **the Citizens Advice Scotland** may (subject to Paragraph 8.20.17) raise a **Workgroup Consultation Alternative Request** in response to the **Workgroup Consultation**. Such **Workgroup Consultation Alternative Request** must include:

Change paragraph 8.21.17 as follows;

8.21.7 Subject to the provisions of this Paragraph 8.21 and unless otherwise determined by the **CUSC Modifications Panel**, the **Standing Group** shall develop and adopt its own internal working procedures for the conduct of its business and shall provide a copy of such procedures to the **Panel Secretary**. Unless the **CUSC Modifications Panel** otherwise determines, meetings of each **Standing Group** shall be open to attendance by a representative of any **CUSC Party**, any **BSC Party**, ~~or the National Consumer Council~~ **the Citizens Advice**, **the Citizens Advice Scotland** and any person invited by the chairman or any other member of that **Standing Group**, and the chairman or any other member of that **Standing Group** may invite any person to speak at such meetings.

Change paragraph 8.22.2(ii) as follows;

8.22.2 After consideration of any **Workgroup** report on the **CUSC Modification Proposal** and if applicable any **Workgroup Alternative CUSC Modification(s)** by the **CUSC Modifications Panel** and a determination by the **CUSC Modifications Panel** to proceed to wider consultation, the **Code Administrator** shall bring to the attention of and consult on the **CUSC Modification Proposal** and if applicable any **Workgroup Alternative CUSC Modification(s)** with:

(i) **CUSC Parties**; and

(ii) such other persons who may properly be considered to have an appropriate interest in it, including **Small Participants**, ~~and the National Consumer Council~~ **the Citizens Advice** and **the Citizens Advice Scotland**.

Change paragraph 8.22.8 as follows;

8.22.8(ii) After determination by the **CUSC Modifications Panel** to proceed to wider consultation, such consultation shall be conducted by the **Code**

Administrator on the **CUSC Modification Proposal** with:

(i) **CUSC Parties**; and

(ii) such other persons who may properly be considered to have an appropriate interest in it, including **Small Participants**, ~~and the National Consumer Council~~ **the Citizens Advice** and the **Citizens Advice Scotland**.

Change paragraph 8.23.2(g) as follows;

8.23.2 The matters to be included in a **CUSC Modification Report** shall be the following (in respect of the **CUSC Modification Proposal**):

[...]

(g) an assessment of:

[...]

together with an analysis and a summary of representations in relation to such matters, including any made by **Small Participants**, ~~and the National Consumer Council~~ **the Citizens Advice** and the **Citizens Advice Scotland**;

Change paragraph 8.24.2 as follows;

8.24.2

[...]

(e) Where the **Panel Chairman** is unable to contact a least four **Panel Members** within the time available and where:

[...]

(ii) any **CUSC Party** (other than, and/or in addition to, **The Company**), the ~~National Consumer Council~~ **Citizens Advice**, **the Citizens Advice Scotland** or any **BSC Party** has recommended that the proposal should be treated as an **Urgent CUSC Modification Proposal**, then the **Panel Chairman** may decide the matter (in consultation with those **Panel Members** (if any) which he managed to contact) provided that the **Panel Chairman** shall include details in the relevant **CUSC Modification Report** of the steps which he took to contact other **Panel Members** first.

Change paragraph 8.25.14 as follows;

8.25.14 A **CUSC Party**, ~~or the National Consumer Council~~ **the Citizens Advice** or **the Citizens Advice Scotland** or any **BSC Party** or (where the **CUSC Modification Proposal** and any related **Workgroup Alternative CUSC Modification(s)** is a proposal to modify the **Charging Methodologies**) a **Materially Affected Party** may appeal to the **Authority** the approval or rejection by the **CUSC Modifications Panel** of a **CUSC Modification Proposal** and any **Workgroup Alternative CUSC Modification(s)** in accordance with Paragraph

8.25.9, provided that the **Panel Secretary** is also notified, and the appeal has been made up to and including fifteen (15) **Business Days** after the **CUSC Modifications Panel Self-Governance Vote** has been undertaken pursuant to Paragraph 8.25.9. If such an appeal is made, implementation of the **CUSC Modification Proposal** shall be suspended pending the outcome. The appealing **CUSC Party**, ~~National Consumer Council~~ the **Citizens Advice**, the **Citizens Advice Scotland**, **BSC Party** or **Materially Affected Party** must notify the **Panel Secretary** of the appeal when the appeal is made.

Change paragraph 8.28.2 as follows;

8.28.2(h) The **Code Administrator** shall forthwith notify (by publication on the **Website** and, where relevant details are supplied by electronic mail):

[...]

(h) the ~~National Consumer Council~~ **Citizens Advice** and the **Citizens Advice Scotland**

Change paragraph 8.29.12 as follows;

8.29.12 A **CUSC Party**, a **BSC Party**, ~~the National Consumer Council~~ the **Citizens Advice**, the **Citizens Advice Scotland** or the **Authority** may object to the **Approved CUSC Modification Fast Track Proposal** being implemented, and shall include with such objection an explanation as to why the objecting person believes that it does not meet the **Fast Track Criteria**. Any such objection must be made in writing (including by email) and be clearly stated to be an objection to the **Approved CUSC Modification Fast Track Proposal** in accordance with this Paragraph 8.29 of the **CUSC** and be notified to the **Panel Secretary** by the date up to and including fifteen (15) **Business Days** after notification of the **CUSC Modifications Panel's** decision to approve the **CUSC Modification Fast Track Proposal**. If such an objection is made the **Approved CUSC Modification Fast Track Proposal** shall not be implemented. The **Panel Secretary** will notify each **Panel Member**, each **CUSC Party** and the **Authority** of the objection. The **Panel Secretary** shall notify the **Proposer**, in accordance with Paragraph 8.16.4A that additional information is required if the **Proposer** wishes the **CUSC Modification Proposal** to continue.

## **Section 11: Interpretation and Definitions**

Delete definition of National Consumer Council:

~~"National Consumer Council" the body of that name established by Part I, section 1 of the Consumers, Estate Agents and Redress Act 2007'.~~

Insert definitions of "Consumer Representative", "Citizens Advice" and "Citizens Advice Scotland":

**"Consumer Representative"** means the person appointed by the **Citizens Advice** or the **Citizens Advice Scotland** (or any successor body) representing all categories of customers, appointed in accordance with Paragraph 8.4.2(b)

“**Citizens Advice**” means the National Association of Citizens Advice Bureaux.

“**Citizens Advice Scotland**” means the Scottish Association of Citizens Advice Bureaux.

Change definition of “Workgroup Consultation Alternative Request”

“**Workgroup Consultation Alternative Request**” any request from a **CUSC Party**, ~~a BSC Party, or the National Consumer Council~~ the **Citizens Advice** or the **Citizens Advice Scotland** for a **Workgroup Alternative CUSC Modification** to be developed by the **Workgroup** expressed as such and which contains the information referred to at Paragraph 8.20.13. For the avoidance of doubt any **WG Consultation Alternative Request** does not constitute either a **CUSC Modification Proposal** or a **Workgroup Alternative CUSC Modification**;

## 4 CUSC Panel Determination

4.1 On 25 April 2014 the CUSC Modifications Panel considered CMFTP229 and confirmed unanimously that CMFTP229 meets the Fast Track Criteria and unanimously determined that the CMTP229 should be implemented.

The CUSC Modification Fast Track Proposal meets the Self Governance Criteria and the Fast Track Criteria as detailed below:

### Self Governance Criteria

(a) is unlikely to have a material effect on:

(i) existing or future electricity consumers; and

(ii) competition in the generation, distribution, or supply of electricity or any commercial activities connected with the generation, distribution or supply of electricity; and

(iii) the operation of the **National Electricity Transmission System**; and

(iv) matters relating to sustainable development, safety or security of supply, or the management of market or network emergencies; and

(v) the **CUSC**'s governance procedures or the **CUSC**'s modification procedures, and

(b) is unlikely to discriminate between different classes of **CUSC Parties**.

### Fast Track criteria

(c) is properly a housekeeping modification required as a result of some error or factual change; including but not limited to:

i) updating names or addresses listed in the **CUSC**;

ii) correcting minor typographical errors;



- iii) correcting formatting and consistency errors, such as paragraph numbering or
- iv) updating out of date references to other documents or paragraphs.

## 5 Proposed Implementation

- 5.1 It is proposed that CMFTP229 CUSC Modification Fast Track Proposal is implemented no sooner than the 16<sup>th</sup> business day after publication of the approved CUSC Modification Fast Track Report providing no objections have been raised see Section 6.
- 5.2 The implementation date will be 21 May 2014

## 6 Objections

- 6.1 If you wish to raise an objection please email the CUSC Panel Secretary at [CUSC.Team@nationalgrid.com](mailto:CUSC.Team@nationalgrid.com), with an explanation as to why you believe the CUSC Modification Fast Track Proposal does not meet the Fast Track Criteria by 20 May 2014.
- 6.2 The Approved CUSC Modification Fast Track Proposal will not be implemented if an objection is received.
- 6.3 The CUSC Panel Secretary will notify the CUSC Panel, the Authority and CUSC Parties if an objection is received.
- 6.4 The CUSC Panel Secretary shall notify the proposer that additional information is required if the proposer wishes the CUSC Fast Track Modification to continue as a CUSC Modification Proposal.