

## 1 CUSC Section 11 (Definitions)

1. The new definitions at CUSC Section 11 being introduced under CUSC CMP xxx are set out below in full for completeness and shown in red. The edits to those definitions for CMP xxx are shown in blue.

**Electricity Balancing Guideline** means Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing;

**EBGL Amendment** means ~~means~~ (a) any amendment to contractual arrangements for the provision of and payment for **Balancing Services** referred to in Section 4.2B5 or (b) any amendment to **CUSC** which amends the **EBGL Article 18 Terms or Conditions** in, as the case may be, such contractual arrangements or **CUSC** including to introduce a new provision for the purposes of Article 18 into, as the case may be, such contractual arrangements or **CUSC**;

**EBGL Article 18 Terms and Conditions** means terms and conditions which have been approved by the **Authority** pursuant to and for the purposes of Article 18 of the [**Electricity Balancing Guideline**]. In the context of **CUSC** these terms and conditions are identified for convenience in **CUSC** [Exhibit Y] as such [Exhibit Y] is amended from time to time.

## 2 CUSC Section 4

Edits to Paragraph 2.2B.5 being introduced under CUSC CMPxxx are shown in blue.

### 4.2B.5 EBGL Article 18

Where and to the extent that:-

- (a) contractual arrangements for the provision of and payment for **Balancing Services** which are not set out in **CUSC** contain **EBGL Article 18 Terms and Conditions**; and
- (b) an **EBGL Amendment** to such contractual arrangements is proposed which under the [**Electricity Balancing Guidelines**] is subject to consultation and prior approval by the **Authority**,

then, to the extent and from such date as is required by the [**Electricity Balancing Guidelines**], such **EBGL Amendment** shall be effective only after appropriate consultation and prior approval by the **Authority**. Accordingly, **The Company** shall ensure that the amendment processes contained within such contractual arrangements provide for appropriate consultation and prior approval by the **Authority** before any **EBGL Amendment** becomes effective.

## 3 CUSC Section 8

- 1 Edit CUSC Paragraph 8.1.3 to add (d)

- (d) an **EBGL Amendment** will always be a **Standard CUSC Amendment** [unless an **Urgent CUSC Amendment**].

- 2 Edit CUSC Paragraph 8.16.1 to introduce (c)
- (c) a proposal which constitutes an **EBGL Amendment** may be made under (a) or (b) above even where not made by **The Company** and the **Authority** may make a proposal under (a) and (b) above to the extent that it constitutes an **EBGL Amendment**.

- 3 Edit CUSC Paragraph 8.16.4 to introduce (i) and delete “and” at end of (j) and replace “.” at end of (k) with “; and”

- (i) whether or not (and to the extent) that in the **Proposer’s** view the **CUSC Modification Proposal** constitutes an **EBGL Amendment**.

[nb for practical purposes the mod proposal form will be updated to provide for this]

- 4 Edit CUSC Paragraph 8.16.7 to introduce (c) and replace “.” at end of (b) with “;”

- (c) note whether in the **Proposer’s** view the **CUSC Modification Proposal** constitutes an **EBGL Amendment**.

- 5 Add the following as CUSC Paragraph 8.18.8A.

8.18.18A The **CUSC Modification Panel** shall evaluate each **CUSC Modification Proposal** and determine whether the **CUSC Modification Proposal** constitutes an **EBGL Amendment** (and in the event of disagreement **The Company’s** view shall prevail).

- 6 Edit CUSC Paragraph 8.19.1 to introduce (f).

- (f) where the **CUSC Modification Proposal** constitutes an **EBGL Amendment** the timetable shall be such that the **Workgroup Consultation**, or in respect of a **CUSC Modification Proposal** where a **Workgroup** has not been established, the **Code Administrator’s** consultation is not less than [one calendar month/31 calendar] days.

- 7 Edit the first paragraph at CUSC Paragraph 8.20.10 as follows.

After development by the **Workgroup** of the **CUSC Modification Proposal**, and (if applicable) after development of any draft **Workgroup Alternative CUSC Modification(s)**, the **Workgroup** will (subject to the provisions of Paragraph 8.20.16) consult (“**Workgroup Consultation**”) on the **CUSC Modification Proposal** and, if applicable, on any draft **Workgroup Alternative CUSC Modification(s)** with:

- (a) **CUSC Parties**; and
- (b) such other persons who may properly be considered to have an appropriate interest in it; and,
- (c) where the **CUSC Modification Proposal** and, if applicable, any draft **Workgroup Alternative CUSC Modification(s)** constitutes

an **EBGL Amendment** with the **Authority** and other relevant stakeholders.

8 Edit CUSC Paragraph 8.20.11 to introduce (d).

- (d) where the **CUSC Modification Proposal** or **Workgroup Alternative CUSC Modification(s)** constitutes an **EBGL Amendment** and notwithstanding any other provisions in this section 8, the proposed legal drafting.

9 Edit CUSC Paragraph 8.20.17 as follows.

The **CUSC Modifications Panel** may, at the request of the chairman of the **Workgroup**, and will at the request of **The Company** in the case of an **EBGL Amendment** (but only where and to the extent required by the **Electricity Balancing Guidelines**) direct the **Workgroup** to undertake further **Workgroup Consultation(s)**. At the same time as such direction the **CUSC Modifications Panel** shall adjust the timetable referred to at Paragraph 8.19.1(b) and the **Code Administrator** shall be entitled to adjust the timetable referred to at Paragraph 8.19.1 (c), provided that the **Authority**, after receiving notice, does not object. No **Workgroup Consultation Alternative Request** may be raised by any **CUSC Party** during any second or subsequent **Workgroup Consultation**.

10 Edit CUSC Paragraph 8.20.21 to introduce (d) and delete “.” at the end of (c) and replace with “; or”..

- (d) in making its determination, where the **CUSC Modification Proposal** constitutes an **EBGL Amendment**, the **CUSC Modifications Panel** shall take account of the minimum consultation requirements under the **Electricity Balancing Guideline**.

11 Edit the first paragraph at CUSC Paragraph 8.22.8 as follows.

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**, the **Citizens Advice** and the **Citizens Advice Scotland**.; and
- (iii) where the **CUSC Modification Proposal** constitutes an **EBGL Amendment** with the **Authority** and other relevant stakeholders.

12 Edit CUSC Paragraph 8.22.10 as follows

Where the **CUSC Modifications Panel** is of the view that the proposed text to amend the **CUSC** for a **CUSC Modification Proposal** is not needed (and provided the **CUSC**

**Modification Proposal** does not constitute an **EBGL Amendment**), the **CUSC Modifications Panel** shall consult (giving its reasons to why it is of this view) with the **Authority** as to whether the **Authority** would like the **CUSC Modification Report** to include the proposed text to amend the **CUSC**. If it does not, no text needs to be included. If it does, and no detailed text has yet been prepared, the **Code Administrator** shall prepare such text to modify the **CUSC** in order to give effect to such **CUSC Modification Proposal** and consult those identified in Paragraph 8.22.2.

13 Edit CUSC Paragraph 8.23.2 to introduce (l) and replace “.” at the end of (k) with “;”.

- (l) whether the **CUSC Modification Proposal** constitutes an **EBGL Amendment** and if so, and in addition to (i) above, a justification for including or not including the views resulting from the relevant consultation in the **CUSC Modification Proposal**.

14 Add the following as CUSC Paragraph 8.23.14.

8.23.14 where Paragraph 8.23.9 and/or Paragraph 8.23.10 is applied to a **CUSC Modification Proposal** which constitutes an **EBGL Amendment** the process and timetable adopted shall meet the minimum consultation requirements of the **Electricity Balancing Guideline**.

15 Edit CUSC Paragraph 8.24.3 as follows.

The matters referred to in Paragraph 8.24.1 are:

- (b) whether such proposal should be treated as an **Urgent CUSC Modification Proposal** in accordance with this Paragraph 8.24 and
- (c) the procedure and timetable to be followed in respect of such **Urgent CUSC Modification Proposal** which in the case of a **CUSC Modification Proposal** which constitutes an **EBGL Amendment** shall meet the minimum consultation requirements of the **Electricity Balancing Guideline**.

16 Add the following as CUSC Paragraph 8.1.7

Where a **CUSC Modification Proposal** constitutes an **EBGL Amendment** **The Company**, when undertaking its role in the **CUSC Panel** or **Working Groups** during the **CUSC Modification Process**, shall duly consider the views of stakeholders resulting from the consultation undertaken to meet the minimum consultation requirements of the **Electricity Balancing Guideline**.

#### 4 [Exhibit Y]

Attach [Exhibit Y] to CUSC and amend the CUSC Table of Contents to reflect this