

Annex 6 – Panel Vote

At the CUSC Panel meeting on 31 July 2020 the Panel voted on CMP339 against the Applicable CUSC Standard Objectives.

The CUSC Panel recommended by majority that the Original and all WACMs 1- 23 better facilitated the CUSC Objectives than the Baseline.

For reference the Applicable CUSC Standard Objectives are:

- (a) The efficient discharge by the Licensee of the obligations imposed on it by the Act and the Transmission Licence
- (b) Facilitating effective competition in the generation and supply of electricity, and (so far as consistent therewith) facilitating such competition in the sale, distribution and purchase of electricity;
- (c) Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency *; and
- (d) Promoting efficiency in the implementation and administration of the CUSC arrangements.

*Objective (c) refers specifically to European Regulation 2009/714/EC. Reference to the Agency is to the Agency for the Cooperation of Energy Regulators (ACER).

Vote 1: Does the Original or WACMs 1-23 facilitate the objectives better than the Baseline?

Panel Member: Andy Pace

	Better facilitates ACO (a)	Better facilitates ACO (b)?	Better facilitates ACO (c)?	Better facilitates ACO (d)?	Overall (Y/N)
Original	Neutral	Neutral	Neutral	Yes	Yes
WACM1	Neutral	Neutral	Neutral	Yes	Yes
WACM2	Neutral	Neutral	Neutral	Yes	Yes
WACM3	Neutral	Neutral	Neutral	Yes	Yes
WACM4	Neutral	Neutral	Neutral	Yes	Yes
WACM5	Neutral	Neutral	Neutral	Yes	Yes
WACM6	Neutral	Neutral	Neutral	Yes	Yes
WACM7	Neutral	Neutral	Neutral	Yes	Yes
WACM8	Neutral	Neutral	Neutral	Yes	Yes

WACM9	Neutral	Neutral	Neutral	Yes	Yes
WACM10	Neutral	Neutral	Neutral	Yes	Yes
WACM11	Neutral	Neutral	Neutral	Yes	Yes
WACM12	Neutral	Neutral	Neutral	Yes	Yes
WACM13	Neutral	Neutral	Neutral	Yes	Yes
WACM14	Neutral	Neutral	Neutral	Yes	Yes
WACM15	Neutral	Neutral	Neutral	Yes	Yes
WACM16	Neutral	Neutral	Neutral	Yes	Yes
WACM17	Neutral	Neutral	Neutral	Yes	Yes
WACM18	Neutral	Neutral	Neutral	Yes	Yes
WACM19	Neutral	Neutral	Neutral	Yes	Yes
WACM20	Neutral	Neutral	Neutral	Yes	Yes
WACM21	Neutral	Neutral	Neutral	Yes	Yes
WACM22	Neutral	Neutral	Neutral	Yes	Yes
WACM23	Neutral	Neutral	Neutral	Yes	Yes

Voting Statement

This modification is necessary to implement CMP 317/327 by inserting the appropriate definitions into the CUSC. We have voted in favour of each as better meeting standard CUSC objective (d) as they are necessary to implement the solution selected by the Authority. Our preference is WACM 2 which implements our preferred solution in CMP 317/327 (WACM7)

Panel Member: Cem Suleyman

	Better facilitates ACO (a)	Better facilitates ACO (b)?	Better facilitates ACO (c)?	Better facilitates ACO (d)?	Overall (Y/N)
Original	Yes	Neutral	Neutral	Yes	Yes
WACM1	Yes	Neutral	Neutral	Yes	Yes
WACM2	Yes	Neutral	Neutral	Yes	Yes
WACM3	Yes	Neutral	Neutral	Yes	Yes

WACM4	Yes	Neutral	Neutral	Yes	Yes
WACM5	Yes	Neutral	Neutral	Yes	Yes
WACM6	Yes	Neutral	Neutral	Yes	Yes
WACM7	Yes	Neutral	Neutral	Yes	Yes
WACM8	Yes	Neutral	Neutral	Yes	Yes
WACM9	Yes	Neutral	Neutral	Yes	Yes
WACM10	Yes	Neutral	Neutral	Yes	Yes
WACM11	Yes	Neutral	Neutral	Yes	Yes
WACM12	Yes	Neutral	Neutral	Yes	Yes
WACM13	Yes	Neutral	Neutral	Yes	Yes
WACM14	Yes	Neutral	Neutral	Yes	Yes
WACM15	Yes	Neutral	Neutral	Yes	Yes
WACM16	Yes	Neutral	Neutral	Yes	Yes
WACM17	Yes	Neutral	Neutral	Yes	Yes
WACM18	Yes	Neutral	Neutral	Yes	Yes
WACM19	Yes	Neutral	Neutral	Yes	Yes
WACM20	Yes	Neutral	Neutral	Yes	Yes
WACM21	Yes	Neutral	Neutral	Yes	Yes
WACM22	Yes	Neutral	Neutral	Yes	Yes
WACM23	Yes	Neutral	Neutral	Yes	Yes

Voting Statement

I believe that all the CMP339 options better facilitate the Applicable CUSC Objectives for broadly the same reasons as given by the Proposer. No option is best as they all facilitate the changes that they are affiliated to.

Panel Member: Garth Graham

	Better facilitates ACO (a)	Better facilitates ACO (b)?	Better facilitates ACO (c)?	Better facilitates ACO (d)?	Overall (Y/N)
Original	No	No	No	No	No
WACM1	No	No	No	No	No
WACM2	No	No	No	No	No
WACM3	No	No	No	No	No
WACM4	No	No	No	No	No
WACM5	No	No	No	No	No
WACM6	No	No	No	No	No
WACM7	No	No	No	No	No
WACM8	No	No	No	No	No
WACM9	No	No	No	No	No
WACM10	No	No	No	No	No
WACM11	No	No	No	No	No
WACM12	No	No	No	No	No
WACM13	No	No	No	No	No
WACM14	Yes	No	Yes	Neutral	Yes
WACM15	Yes	Yes	Yes	Neutral	Yes
WACM16	Yes	No	Yes	Neutral	Yes
WACM17	Yes	Yes	Yes	Neutral	Yes
WACM18	No	No	No	No	No
WACM19	No	No	No	No	No
WACM20	Yes	No	Yes	Neutral	Yes
WACM21	Yes	Yes	Yes	Neutral	Yes
WACM22	Yes	No	Yes	Neutral	Yes
WACM23	Yes	Yes	Yes	Neutral	Yes

Voting Statement

In considering the voting for the CMP339 Original and the 23 WACMs for CMP339 I've taken into account the direct linkage that they all have with the CMP317/CMP327 Original and 83 WACMs which I'm also voting on at this Panel meeting today.

Prior to voting on CMP339 I have therefore considered in particular the DFMR for CMP339 as well as the DFMR for CMP317/CMP327 along with the other relevant information (as I have outlined in my CMP317/CMP327 voting statement today).

Therefore, in my view, and reflecting on how I voted for CMP317/CMP327 (Original and the 83 WACMs) I have concluded that CMP339 WACMs 14, 15, 16, 17, 20, 21, 22 and 23 are better overall.

They all better facilitate Applicable Objective (a) on the grounds of the Transmission Licensee efficiently complying with the legal obligations place upon it by the Third Package (and in particular Regulation 838/2010) and the Clean Energy Package (and in particular 943/2019 and 944/2019).

All the other CMP339 options (the Original, WACMs 1-13, 18 and 19) do not better facilitate Applicable Objective (a) as they do not ensure the efficient discharging, by the Transmission Licensee, of its EU law obligations.

In terms of Applicable Objective (b) then CMP339 WACMs 15, 17, 21 and 23 better facilitate this objective for the reasons (under the charging Applicable Objective (a)) that I set out in my CMP317/CMP327 Panel vote today.

All the other CMP339 options (the Original, WACMs 1-14, 16, 18-20 and 22) do not better facilitate Applicable Objective (b) as they are detrimental to competition (for the reasons that I set out in my CMP317/CMP327 Panel vote today).

In terms of Applicable Objective (c) then CMP339 WACMs 14, 15, 16, 17, 20, 21, 22 and 23 better facilitate this objective for the reasons (under the charging Applicable Objective (d)) that I set out in my CMP317/CMP327 Panel vote today.

For the avoidance of doubt, of the four Applicable Objectives; that I'm considering the Original and the 23 WACMs for CMP339 against; this Applicable Objective (c) is the *primus inter pares* as the CMP317/CMP327 defect (upon which CMP339 is entirely based) is predicated (for the reasons I set out in my CMP317/CMP327 Panel vote today) on ensuring that the CUSC legal complies with EU law and in particular Regulation 838/2010.

All the other CMP339 options (the Original, WACMs 1-13, 18 and 19) do not better facilitate Applicable Objective (c) as they do not ensure compliance with relevant EU law.

In terms of Applicable Objective (d) then CMP339 WACMs 14, 15, 16, 17, 20, 21, 22 and 23 are neutral in respect of this objective.

All the other CMP339 options (the Original, WACMs 1-13, 18 and 19) do not better facilitate Applicable Objective (d) as it is inefficient to do something (within the CUSC) that is not legally compliant (in this case with EU law, as set out above and in my CMP317/CMP327 Panel vote today).

Panel Member: Grace March

	Better facilitates ACO (a)	Better facilitates ACO (b)?	Better facilitates ACO (c)?	Better facilitates ACO (d)?	Overall (Y/N)
Original	Yes	No	Neutral	Yes	Yes
WACM1	Yes	Neutral	Neutral	Yes	Yes
WACM2	Yes	No	Neutral	Yes	Yes
WACM3	Yes	Neutral	Neutral	Yes	Yes
WACM4	Yes	No	Neutral	Yes	Yes
WACM5	Yes	Neutral	Neutral	Yes	Yes
WACM6	Yes	No	Neutral	Yes	Yes
WACM7	Yes	Neutral	Neutral	Yes	Yes
WACM8	Yes	No	Neutral	Yes	Yes
WACM9	Yes	Neutral	Neutral	Yes	Yes
WACM10	Yes	No	Neutral	Yes	Yes
WACM11	Yes	Neutral	Neutral	Yes	Yes
WACM12	Yes	No	Neutral	Yes	Yes
WACM13	Yes	Neutral	Neutral	Yes	Yes
WACM14	Yes	No	Neutral	Yes	Yes
WACM15	Yes	Neutral	Neutral	Yes	Yes
WACM16	Yes	No	Neutral	Yes	Yes
WACM17	Yes	Neutral	Neutral	Yes	Yes
WACM18	Yes	No	Neutral	Yes	Yes
WACM19	Yes	Neutral	Neutral	Yes	Yes
WACM20	Yes	No	Neutral	Yes	Yes
WACM21	Yes	Neutral	Neutral	Yes	Yes
WACM22	Yes	No	Neutral	Yes	Yes
WACM23	Yes	Neutral	Neutral	Yes	Yes

Voting Statement

All proposed solutions have the appropriate definitions for the solutions to CMP317/327 and therefore will facilitate the final solution, so are positive against ACO (d). All solutions are potentially necessary, depending on which solution to CMP317/327 is implemented.

The most correct interpretation of the connection exclusion is “All local circuits & local substations except for pre-existing assets and shared assets” as the other options are too broad or too narrow. WACMs with these definitions are less positive against ACO(a) (as they allow the ESO to reduce the risk of breaching the Limiting Regulation) but are still an improvement on the baseline. The CMP339 proposed solutions reflect the intention of the relative proposed solution to CMP317/327 and they are therefore correct.

Not having a set target will leave average charges on generators close to the upper limit of €2.50 and will have a negative impact on cross-border competition. WACMs which don't have a definition of a Target Rate are therefore negative against ACO(b).

WACMs that do not define Relevant BSC charges and Ancillary Services exclusion are less effective at facilitating ACO(a) as I believe those elements need to be considered in order to avoid a breach of the Limiting Regulation.

Panel Member: Jon Wisdom

	Better facilitates ACO (a)	Better facilitates ACO (b)?	Better facilitates ACO (c)?	Better facilitates ACO (d)?	Overall (Y/N)
Original	Yes	Neutral	Yes	Yes	Yes
WACM1	Yes	Neutral	Yes	Yes	Yes
WACM2	Yes	Neutral	Yes	Yes	Yes
WACM3	Yes	Neutral	Yes	Yes	Yes
WACM4	Yes	Neutral	Yes	Yes	Yes
WACM5	Yes	Neutral	Yes	Yes	Yes
WACM6	Yes	Neutral	Yes	Yes	Yes
WACM7	Yes	Neutral	Yes	Yes	Yes
WACM8	Yes	Neutral	Yes	Yes	Yes
WACM9	Yes	Neutral	Yes	Yes	Yes
WACM10	Yes	Neutral	Yes	Yes	Yes
WACM11	Yes	Neutral	Yes	Yes	Yes

WACM12	Yes	Neutral	Yes	Yes	Yes
WACM13	Yes	Neutral	Yes	Yes	Yes
WACM14	Yes	Neutral	Yes	Yes	Yes
WACM15	Yes	Neutral	Yes	Yes	Yes
WACM16	Yes	Neutral	Yes	Yes	Yes
WACM17	Yes	Neutral	Yes	Yes	Yes
WACM18	Yes	Neutral	Yes	Yes	Yes
WACM19	Yes	Neutral	Yes	Yes	Yes
WACM20	Yes	Neutral	Yes	Yes	Yes
WACM21	Yes	Neutral	Yes	Yes	Yes
WACM22	Yes	Neutral	Yes	Yes	Yes
WACM23	Yes	Neutral	Yes	Yes	Yes

Voting Statement

The original solution and all WACM's better facilitate the relevant objectives when implemented alongside the relevant version of the CMP317/327 modification. The CMP339 solutions allow the correct definitions to be implemented increasing efficiency in the code arrangements better facilitating relevant objective (d) and (a) as it allows the ESO to satisfy the Authority's TCR Direction. In conjunction with CMP317/327 it also better facilitates relevant objective (c) through implementing the correct interpretation of European regulation into the CUSC. There is no best option as such as each alternative solution is appropriate for the relevant accompanying CMP317/327 proposal.

Panel Member: Joseph Dunn

	Better facilitates ACO (a)	Better facilitates ACO (b)?	Better facilitates ACO (c)?	Better facilitates ACO (d)?	Overall (Y/N)
Original	Yes	Neutral	Neutral	Yes	Yes
WACM1	Yes	Neutral	Neutral	Yes	Yes
WACM2	Yes	Neutral	Neutral	Yes	Yes
WACM3	Yes	Neutral	Neutral	Yes	Yes
WACM4	Yes	Neutral	Neutral	Yes	Yes

WACM5	Yes	Neutral	Neutral	Yes	Yes
WACM6	Yes	Neutral	Neutral	Yes	Yes
WACM7	Yes	Neutral	Neutral	Yes	Yes
WACM8	Yes	Neutral	Neutral	Yes	Yes
WACM9	Yes	Neutral	Neutral	Yes	Yes
WACM10	Yes	Neutral	Neutral	Yes	Yes
WACM11	Yes	Neutral	Neutral	Yes	Yes
WACM12	Yes	Neutral	Neutral	Yes	Yes
WACM13	Yes	Neutral	Neutral	Yes	Yes
WACM14	Yes	Neutral	Neutral	Yes	Yes
WACM15	Yes	Neutral	Neutral	Yes	Yes
WACM16	Yes	Neutral	Neutral	Yes	Yes
WACM17	Yes	Neutral	Neutral	Yes	Yes
WACM18	Yes	Neutral	Neutral	Yes	Yes
WACM19	Yes	Neutral	Neutral	Yes	Yes
WACM20	Yes	Neutral	Neutral	Yes	Yes
WACM21	Yes	Neutral	Neutral	Yes	Yes
WACM22	Yes	Neutral	Neutral	Yes	Yes
WACM23	Yes	Neutral	Neutral	Yes	Yes

Voting Statement

As each of the original and WACMs have been raised to enable the implementation of each of their related 317/27 options, each of them better meet ACO (A) by ensuring the licensee discharges its obligations. They are all neutral to ACOs (B) and (C) and positive to ACO (E) as they all enable promotion of efficiency in the CUSC arrangements.

My preferred option enables my preferred CMP317/27 option.

	Better facilitates ACO (a)	Better facilitates ACO (b)?	Better facilitates ACO (c)?	Better facilitates ACO (d)?	Overall (Y/N)
Original	Neutral	Neutral	Neutral	Yes	Yes
WACM1	No	No	No	No	No
WACM2	Neutral	Neutral	Neutral	Yes	Yes
WACM3	No	No	No	No	No
WACM4	Neutral	Neutral	Neutral	Yes	Yes
WACM5	No	No	No	No	No
WACM6	Neutral	Neutral	Neutral	Yes	Yes
WACM7	No	No	No	No	No
WACM8	Neutral	Neutral	Neutral	Yes	Yes
WACM9	No	No	No	No	No
WACM10	Neutral	Neutral	Neutral	Yes	Yes
WACM11	No	No	No	No	No
WACM12	No	No	No	No	No
WACM13	No	No	No	No	No
WACM14	No	No	No	No	No
WACM15	No	No	No	No	No
WACM16	No	No	No	No	No
WACM17	No	No	No	No	No
WACM18	No	No	No	No	No
WACM19	No	No	No	No	No
WACM20	No	No	No	No	No
WACM21	No	No	No	No	No
WACM22	No	No	No	No	No
WACM23	No	No	No	No	No

Voting Statement

My views on the CMP339 Original and WACMs align with my views on the corresponding Original and WACMs for CMP317/327 and how those amendments better facilitate the applicable objectives.

Panel Member: Andrew Enzor

	Better facilitates ACO (a)	Better facilitates ACO (b)?	Better facilitates ACO (c)?	Better facilitates ACO (d)?	Overall (Y/N)
Original	Neutral	Neutral	Neutral	Yes	Yes
WACM1	Neutral	Neutral	Neutral	Yes	Yes
WACM2	Neutral	Neutral	Neutral	Yes	Yes
WACM3	Neutral	Neutral	Neutral	Yes	Yes
WACM4	Neutral	Neutral	Neutral	Yes	Yes
WACM5	Neutral	Neutral	Neutral	Yes	Yes
WACM6	Neutral	Neutral	Neutral	Yes	Yes
WACM7	Neutral	Neutral	Neutral	Yes	Yes
WACM8	Neutral	Neutral	Neutral	Yes	Yes
WACM9	Neutral	Neutral	Neutral	Yes	Yes
WACM10	Neutral	Neutral	Neutral	Yes	Yes
WACM11	Neutral	Neutral	Neutral	Yes	Yes
WACM12	Neutral	Neutral	Neutral	Yes	Yes
WACM13	Neutral	Neutral	Neutral	Yes	Yes
WACM14	Neutral	Neutral	Neutral	Yes	Yes
WACM15	Neutral	Neutral	Neutral	Yes	Yes
WACM16	Neutral	Neutral	Neutral	Yes	Yes
WACM17	Neutral	Neutral	Neutral	Yes	Yes
WACM18	Neutral	Neutral	Neutral	Yes	Yes
WACM19	Neutral	Neutral	Neutral	Yes	Yes

WACM20	Neutral	Neutral	Neutral	Yes	Yes
WACM21	Neutral	Neutral	Neutral	Yes	Yes
WACM22	Neutral	Neutral	Neutral	Yes	Yes
WACM23	Neutral	Neutral	Neutral	Yes	Yes
Voting Statement					
All modification proposals may better facilitate ACO(d) depending on if a CMP317/327 WACM is approved, and if so, which one. The corresponding CMP339 WACM will facilitate efficient implementation of the relevant CMP317/327 WACM. WACM2 selected as the best option as it corresponds with CMP317/327 WACM7, identified as the preferred option in the corresponding CMP317/327 vote.					

Panel Member: Paul Mott

	Better facilitates ACO (a)	Better facilitates ACO (b)?	Better facilitates ACO (c)?	Better facilitates ACO (d)?	Overall (Y/N)
Original	Yes	Neutral	Neutral	Yes	Yes
WACM1	Yes	Neutral	Neutral	Yes	Yes
WACM2	Yes	Neutral	Neutral	Yes	Yes
WACM3	Yes	Neutral	Neutral	Yes	Yes
WACM4	Yes	Neutral	Neutral	Yes	Yes
WACM5	Yes	Neutral	Neutral	Yes	Yes
WACM6	Yes	Neutral	Neutral	Yes	Yes
WACM7	Yes	Neutral	Neutral	Yes	Yes
WACM8	Yes	Neutral	Neutral	Yes	Yes
WACM9	Yes	Neutral	Neutral	Yes	Yes
WACM10	Yes	Neutral	Neutral	Yes	Yes
WACM11	Yes	Neutral	Neutral	Yes	Yes
WACM12	Yes	Neutral	Neutral	Yes	Yes
WACM13	Yes	Neutral	Neutral	Yes	Yes
WACM14	Yes	Neutral	Neutral	Yes	Yes

WACM15	Yes	Neutral	Neutral	Yes	Yes
WACM16	Yes	Neutral	Neutral	Yes	Yes
WACM17	Yes	Neutral	Neutral	Yes	Yes
WACM18	Yes	Neutral	Neutral	Yes	Yes
WACM19	Yes	Neutral	Neutral	Yes	Yes
WACM20	Yes	Neutral	Neutral	Yes	Yes
WACM21	Yes	Neutral	Neutral	Yes	Yes
WACM22	Yes	Neutral	Neutral	Yes	Yes
WACM23	Yes	Neutral	Neutral	Yes	Yes

Voting Statement

The variants can deliver, if a matching variant of CMP327 is passed, the required definitions. To me it's a facilitating mod and not the main thing. WACM 23 matches WACM 83 of CMP317/27 which I have voted as best.

Vote 2 – Which option is the best?

Panel Member	BEST Option?
Andy Pace	WACM2
Cem Suleyman	No preference
Garth Graham	WACM21
Grace March	WACM23
Jon Wisdom	No preference
Joseph Dunn	WACM23
Mark Duffield	WACM8
Andrew Enzor	WACM2
Paul Mott	WACM23