

Trisha McAuley OBE
Independent Chair
CUSC & Grid Code Panel

Nadir Hafeez
Ofgem
By email

22 March 2021

Dear Nadir

Connection and Use of System Code (CUSC) Modification Panel Request for Urgency and Recommended Timetable for **CMP367: Urgent housekeeping modification as a result of 1 April implementations**

On 19 March 2021, the Code Administrator raised CMP367. The Proposer sent a request to the CUSC Panel Secretary for the modification to be treated as urgent.

CMP367 seeks to amend Section 14 of the CUSC due to the overlap of the implementation of CMP333 and CMP360 (if approved by the Authority). It also aligns numbering within Section 14.30.

All documentation for this modification can be located via the following link:

<https://www.nationalgrideso.com/industry-information/codes/connection-and-use-system-code-cusc-old/modifications/cmp367-urgent>

The CUSC Modifications Panel ("the Panel") on 22 March 2021 considered CMP367 and the associated request for urgency. This letter sets out the views of the Panel on the request for urgent treatment and the procedure and timetable that the Panel recommends.

The Proposer set out their rationale for Urgency against Ofgem's Urgency criteria (c), which is as follows:

c) A party to be in breach of any relevant legal requirements.

The Proposer considers that this is an imminent issue or a current issue that if not urgently addressed may cause a party to be in breach of any relevant legal requirements and therefore meets Ofgem's Urgency Criteria (c). Without this modification, there would not be a version of legal text to implement from 1 April 2021 which has been consulted on / approved in its complete form, therefore we would technically be working outside of the CUSC.

Panel Consideration of the Request for Urgency

The Panel considered the request for urgency with reference to [Ofgem Guidance on Code Modification Urgency Criteria](#). The unanimous view of the

Panel is that **CMP367 does meet** Ofgem's Urgency criteria¹. Therefore, the recommendation of the Panel is that **CMP367 should** be treated as an Urgent CUSC Modification Proposal.

Panel members set out their rationale behind this decision:

- Panel members agreed that this was an imminent issue that needs to be resolved before 1 April 2021;
- A Panel member noted that an alternative approach could be that CMP360 is sent back by Ofgem to Panel and Panel simply send an updated Final Modification Report with updated legal text for CMP360 (that includes the legal text CMP367 seeks to introduce). However, the Code Administrator noted that raising CMP367 is more transparent as it is specifically consulting on the text that will be included in CUSC on 1 April 2021 assuming that CMP367 is approved; and
- Some Panel members noted that CMP367 can only be approved if CMP360 is also approved and asked that the Code Administrator Consultation should include commentary on what would happen if CMP360 and CMP367 are both not approved. The Code Administrator agreed to do this.

Panel note that if urgency is required a:

- Code Administrator Consultation period of less than 15 working days is required; and
- There would be less than 5 clear working days between publication of the Draft Final Modification Report and Panel's recommendation vote.

Under CUSC Section 8.24.4, we are now consulting the Authority as to whether this Modification is an Urgent CUSC Modification Proposal.

Procedure and Timetable

The Panel discussed an appropriate timetable for CMP367 in the instance that urgency is granted.

The Panel agreed that CMP367 subject to Ofgem's decision on Urgency should follow the attached Code Administrator's proposed timetable (**Appendix 1 Urgent recommendation**).

Please do not hesitate to contact me if you have any questions on this letter or the proposed process and timetable. I look forward to receiving your response

¹ Ofgem's current view is that an urgent modification should be linked to an imminent issue or a current issue that if not urgently addressed may cause:

- a) A significant commercial impact on parties, consumers or other stakeholder(s); or
- b) A significant impact on the safety and security of the electricity and/or gas systems; or
- c) A party to be in breach of any relevant legal requirements.

Yours sincerely



Trisha McAuley OBE
Independent Chair of the CUSC and Grid Code Panel

Appendix 1 – Urgent Timeline

Modification Stage	Date
Request for Urgency Received	19 March 2021
Panel consideration of Urgency	22 March 2021 (2.30pm)
Ofgem decision on Urgency	23 March 2021 (2pm)
Code Administrator Consultation (2 working days)	23 March 2021 (3pm) to 25 March 2021 (3pm)
Draft Final Modification Report issued to Panel and Industry	25 March 2021 (by 5pm)
Draft Final Modification Report presented to Panel / Panel Recommendation Vote	26 March 2021 (at CUSC Panel)
Final Modification Report issued to Panel to check votes recorded correctly	26 March 2021 (2pm)
Submit Final Modification Report to Authority	26 March 2021 (4pm)
Authority Decision	30 March 2021 (5pm)
Date of Implementation	01 April 2021