

## Draft Self Governance Modification Report

# CMP380: Making the CUSC Gender Neutral

**Overview:** To remove any gender specific references or terminology within the CUSC.

## Modification process & timetable



**Status summary:** This Report will be submitted to the CUSC Panel for them to carry out their determination vote on whether this change should happen

**This modification is expected to have a: Low impact**

No parties should be impacted by these minor, non-material changes.

<b>Governance route</b>	Self-Governance modification to proceed to Code Administrator Consultation.
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<b>Who can I talk to about the change?</b>	<b>Proposer:</b> Shazia Akhtar <a href="mailto:Shazia.Akhtar2@nationalgrideso.com">Shazia.Akhtar2@nationalgrideso.com</a> 07787266972	<b>Code Administrator Contact:</b> Paul Mullen <a href="mailto:paul.j.mullen@nationalgrideso.com">paul.j.mullen@nationalgrideso.com</a> 07794537028
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## What is the issue?

This modification is seeking to remove any gender specific references or terminology within the CUSC and make it Gender Neutral.

## Why change?

These changes will have a positive impact, as they will remove any gender bias, inequality, and discrimination within the CUSC. They will also acknowledge diversity and convey respect to all people.

## What is the Proposer's solution?

The following changes will be required to the CUSC (along with some other minor typographical amendments):

Current Term	Future Term	Parts of the code impacted
Chairman	Chair	Sections 8 and 11
Dear Sir/Madam	Dear XXXXXX	Schedule 2 Exhibit 3, Exhibits C, E, G, H, J, N, R and V
He/She	They	Sections 7, 8 and 11, Schedule 2 Exhibit 3 and 3a, Exhibits B, F, U, V, O (Part I B, Part I C, Part II B and Part II C)
Him/Himself	Them/Themselves	Sections 6, 7, 8 and 11, Schedule 2 Exhibit 3 and 3a, Exhibits O (Part I B, Part I C, Part II B and Part II C)
His	Their	Sections 1, 5, 6, 7, 8, 11, Schedule 2 Exhibit 3 and 3a, Exhibits G, H, O (Part I B, Part I C, Part II B and Part II C)

Note that following feedback at the CUSC Panel on 26 November 2021, we will change "Chair" to "Chairperson" to align language with Standard Condition C10 2(f) of the [Transmission Licence](#).

At the same meeting a question was asked whether changing "He/She" to "They" removes a singular obligation which arguably could create confusion as to whom the obligation is on. However, CUSC 11.2.6(e) already acknowledges that references to singular include the plural and vice versa so would look at any reference to "they" as having the meaning the context required.

## Legal Text

The full Legal Text, with tracked changes can be found in Annex 3

## What is the impact of this change?

### Proposer's assessment against CUSC Non-Charging Objectives

Relevant Objective	Identified impact
(a) The efficient discharge by the Licensee of the obligations imposed on it by the Act and the Transmission Licence;	Neutral
(b) Facilitating effective competition in the generation and supply of electricity, and (so far as consistent therewith) facilitating such competition	Neutral

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	<b>Neutral</b>
(d) Promoting efficiency in the implementation and administration of the CUSC arrangements.	<b>Positive</b> By removing any gender bias, inequality, and discrimination within the code and promoting equality and diversity.

\*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).

### Proposer's assessment of the impact of the modification on the stakeholder / consumer benefit categories

Stakeholder / consumer benefit categories	Identified impact
Improved safety and reliability of the system	<b>Neutral</b>
Lower bills than would otherwise be the case	<b>Neutral</b>
Benefits for society as a whole	<b>Positive</b> By removing any gender bias, inequality, and discrimination within the code and promoting equality and diversity.
Reduced environmental damage	<b>Neutral</b>
Improved quality of service	<b>Positive</b> By removing any gender bias, inequality, and discrimination within the code and promoting equality and diversity.

## Code Administrator consultation summary

The Code Administrator Consultation was issued on the 3 December 2021 and closed on 7 January 2022 and received 4 non-confidential responses. A summary of these non-confidential responses can be found in the table below, and the full responses can be found in Annex 4.

### Code Administrator Consultation summary

#### Question

Do you believe that the CMP380 Original Proposal better facilitates the Applicable CUSC Objectives?	All four respondents stated that CMP380 would better facilitate objective (d). One respondent noted CMP380 would also better facilitate objective (b).  Respondents also agreed that CMP380 would remove gender bias and make the language within the CUSC more inclusive.
Do you support the proposed implementation approach?	All respondents supported the proposed implementation approach.
Do you have any other comments?	No further comments.

#### Legal text issues raised in the consultation

- A respondent suggested that for ease of reading, Section 7.3.3 (a) could read *“Where, in conducting an arbitration under this Section 7, an arbitrator or panel of arbitrators finds themselves ~~or itself~~ considering a Charging Dispute (whether or not forming part of an Other Dispute), they ~~or it~~ shall have no jurisdiction”* as the plural could indicate the arbitrators forming the panel and is used in that way in 7.4.3 *“Any arbitrator or panel of arbitrators ... such issues as are referred to them”*

The changes are shown in **red text** and will be discussed at CUSC Panel on 26 January 2022

- The same respondent noted that the Section 8.22.10 (c) was highlighted – ***note that the Code Administrator have confirmed that the red line around 8.22.10(c) will be removed from the final Legal Text***

#### EBR issues raised in the consultation

No EBR issues raised in the consultation.

**Panel determination vote**

The Panel will meet on 26 January 2022 to carry out their determination vote.

They will assess whether a change should be made to the CUSC by assessing the proposed change and any alternatives against the Applicable Objectives.

**Panel comments on Legal text**

Ahead of the vote taking place, the Panel will consider the legal text amendments proposed as part of the Code Administrator Consultation and agreed if they were typographical.

**Vote 1:** Does the Original facilitate the objectives better than the Baseline?

Panel Member: **Andrew Enzor**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Overall (Y/N)
Original					
Voting Statement					

Panel Member: **Andy Pace**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Overall (Y/N)
Original					
Voting Statement					

Panel Member: **Binoy Dharsi**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Overall (Y/N)
Original					
Voting Statement					

Panel Member: **Cem Suleyman**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Overall (Y/N)
Original					
Voting Statement					

Panel Member: **Garth Graham**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Overall (Y/N)
Original					
Voting Statement					

Panel Member: **Grace March**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Overall (Y/N)
Original					
Voting Statement					

Panel Member: **Jenny Doherty**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Overall (Y/N)
Original					
Voting Statement					

Panel Member: **Joe Dunn**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Overall (Y/N)
Original					
Voting Statement					

Panel Member: **Paul Jones**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Overall (Y/N)
Original					
Voting Statement					

**Vote 2 – Which option is the best?**

Panel Member	BEST Option?	Which objectives does this option better facilitate? (If baseline not applicable).
Andrew Enzor		
Andy Pace		
Binoy Dharsi		
Cem Suleyman		
Garth Graham		
Grace March		
Jenny Doherty		
Joe Dunn		
Paul Jones		

**Panel conclusion**

To be added after Panel determination vote on 26 January 2022.



## When will this change take place?

### Implementation date

9 March 2022.

This modification will be implemented 5 working days after the appeals window closes (5pm on 2 March 2022), providing no objections have been raised.

### Date decision required by

As soon as possible

### Implementation approach

No systems or processes will need to be amended as a result of this proposal.

## Interactions

Grid Code       BSC       STC       SQSS  
 European       EBR Article 18       Other       Other  
 Network Codes      T&Cs<sup>1</sup>      modifications

This Proposal is closely linked to [GC0153 'Making the Grid Code Gender Neutral'](#). Further modifications to make similar changes to the STC and SQSS will be raised in early 2022.

## Acronyms, key terms, and reference material

Acronym / key term	Meaning
BSC	Balancing and Settlement Code
CMP	CUSC Modification Proposal
CUSC	Connection and Use of System Code
EBR	Electricity Balancing Regulation
STC	System Operator Transmission Owner Code
SQSS	Security and Quality of Supply Standards
T&Cs	Terms and Conditions

### Reference material

- None

## Annexes

Annex	Information
Annex 1	Proposal Form
Annex 2	Self – Governance Statement
Annex 3	Legal Text
Annex 4	CMP380 Code Administrator Consultation Responses

<sup>1</sup> If your modification amends any of the clauses mapped out in Exhibit Y to the CUSC, it will change the Terms & Conditions relating to Balancing Service Providers. The modification will need to follow the process set out in Article 18 of the Electricity Balancing Guideline (EBR – EU Regulation 2017/2195) – the main aspect of this is that the modification will need to be consulted on for 1 month in the Code Administrator Consultation phase. N.B. This will also satisfy the requirements of the NCER process.