

Final 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: The Panel has made their determination vote and an appeals window has opened.

Panel Determination:

The Panel unanimously determined that the Proposer's solution should be implemented.

This modification is expected to have a: Low impact

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

Governance route	Self-Governance modification to proceed to Code Administrator Consultation.	
Who can I talk to about the change?	<p>Proposer: Shazia Akhtar Shazia.Akhtar2@nationalgrideso.com 07787266972</p>	<p>Code Administrator Contact: Paul Mullen paul.j.mullen@nationalgrideso.com 07794537028</p>
Appeals window	If you want to appeal this decision, please send your appeals form and relevant documentary evidence to industrycodes@ofgem.gov.uk by 5pm on 02 March 2022 and ensure you copy in cusc.team@nationalgrideso.com	

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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 amended "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	Neutral
(d) Promoting efficiency in the implementation and administration of the CUSC arrangements.	Positive 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	Neutral
Lower bills than would otherwise be the case	Neutral
Benefits for society as a whole	Positive By removing any gender bias, inequality, and discrimination within the code and promoting equality and diversity.
Reduced environmental damage	Neutral
Improved quality of service	Positive 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**

- 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 met on 26 January 2022 to carry out their determination vote.

They assessed 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 considered the legal text amendments to CUSC Section 7.3.3 (a) that were proposed as part of the Code Administrator Consultation and did not consider this change to be necessary as the clause already considers both the plural and singular.

Determination Vote

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	Neutral	Neutral	Neutral	Yes	Yes
Voting Statement					
ACO(d) is better facilitated by remove gender bias and discrimination.					

Panel Member: **Andy Pace**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Overall (Y/N)
Original	Neutral	Neutral	Neutral	Yes	Yes
Voting Statement					
This mod better meets applicable objective (d) by removing any gender bias, inequality, and discrimination within the code and promoting equality and diversity.					

Panel Member: **Binoy Dharsi**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Overall (Y/N)
Original	Neutral	Neutral	Neutral	Yes	Yes
Voting Statement					
Hugely sensible modification and very welcomed.					

Panel Member: **Cem Suleyman**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Overall (Y/N)
Original	Neutral	Neutral	Neutral	Yes	Yes
Voting Statement					
The accuracy in the language used is marginally improved thus providing a marginal benefit against Applicable CUSC Objective (d).					

Panel Member: **Garth Graham**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Overall (Y/N)
Original	Neutral	Neutral	Neutral	Yes	Yes
Voting Statement					
I concur with the Proposer that this change will; by removing any gender bias, inequality, and discrimination within the code and promoting equality and diversity; be better in terms of Applicable Objective (d) (as well as being the right thing to do from a wider societal perspective).					

Panel Member: **Jenny Doherty**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Overall (Y/N)
Original	Neutral	Neutral	Neutral	Yes	Yes
Voting Statement					
CMP380 is neutral against ACO (a), (b) and (c) as it does not change the content of the CUSC.					
CMP380 is positive against ACO (d) as it promotes equality by removing gender bias					

Panel Member: **Joe Dunn**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Overall (Y/N)
Original	Neutral	Neutral	Neutral	Yes	Yes
Voting Statement					
I agree with the proposer in that removing gender bias will convey respect to all people therefore having a positive impact on the implementation and administration of the CUSC with respect to efficiency.					

Panel Member: **Mark Duffield (Alternate for Grace March)**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Overall (Y/N)
Original	Neutral	Neutral	Neutral	Yes	Yes
Voting Statement					
I agree that by removing gender bias in the CUSC the proposed modification will promote inclusivity and diversity and have an overall positive impact upon the CUSC and its administration.					

Panel Member: **Paul Jones**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Overall (Y/N)
Original	Neutral	Neutral	Neutral	Yes	Yes
Voting Statement					
Corrects outdated language. In doing so, it removes an unnecessary distraction which should make the code more readable too, improving efficiency.					

Vote 2 – Which option is the best?

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

Panel conclusion

The Panel unanimously determined that the Proposer's solution should be implemented.

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

Not applicable.

Implementation approach

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

Interactions

- | | | | |
|---|---|--|--|
| <input checked="" type="checkbox"/> Grid Code | <input type="checkbox"/> BSC | <input checked="" type="checkbox"/> STC | <input checked="" type="checkbox"/> SQSS |
| <input type="checkbox"/> European Network Codes | <input type="checkbox"/> EBR Article 18 T&Cs ¹ | <input type="checkbox"/> Other modifications | <input type="checkbox"/> Other |

¹ 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.

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 March 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