

CMP376

WACM7

The legal text for WACM7 is the same as the legal text for the original CMP376 apart from the changes shown in **red and strikethrough** below to Paragraph 16.6 (Implementation) of the new CUSC Section 16.

16.6 Implementation

16.6.1 The **Queue Management Process** will be:

- (i) included in any **Construction Agreements** (other than those which fall within Paragraph 16.2 above) offered as part of any new **Connection Offers**; and
- (ii) introduced into any **Construction Agreements** (other than those which fall within Paragraph 16.2 above) which do not have the **Queue Management Process** already included within it when a **Modification Offer** is made; **and**
- (iii) **introduced into any Existing CMP 376 Construction Agreement which does not have the Queue Management Process already included within it through an Agreement to Vary that Existing CMP 376 Construction Agreement in accordance with the process set out in Paragraph 16.6.3**

in each case from the **CMP 376 Implementation Date** of ~~CUSC Modification Proposal 376 (Inclusion of Queue Management Process within the CUSC).~~

16.6.2 **Each User with an Existing CMP 376 Construction Agreement shall be notified by The Company within:**

- (a) **ten Business Days of the CMP 376 Implementation Date for an Existing Construction Agreement of a type in Paragraph 16.6.6 (c)(i) below; and**
- (b) **ten Business Days of the date of the Construction Agreement for an Existing Construction Agreement of a type in Paragraph 16.6.6 (c)(ii) below; and**
- (c) **in accordance with Paragraph 16.6.4 for an Existing Construction Agreement of a type in Paragraph 16.6.6 (c)(iii)**
and in each case such notice shall invite the User to make a Modification Application to incorporate the Queue Management Process into its Existing CMP 376 Construction Agreement.

16.6.3 **Where a User with an Existing CMP 376 Construction Agreement does not make a Modification Application within 6 months of being notified in accordance with Paragraph 16.6.2 or does not accept the Modification Offer made in response to the User's Modification Application (and acknowledging that such offer may be disputed and referred to the Authority for determination) The Company shall issue the CMP 376 Agreement to Vary**

to the **User**. The **CMP 376 Agreement to Vary** shall be issued to the **User** as soon as practicable after the 6 months or failure to accept.

16.6.4 A **User** with a **Construction Agreement** (other than those which fall within Paragraph 16.2 above) where the **Completion Date** is on or before the date which is two years from the **CMP 376 Implementation Date** will not have the **Queue Management Process** introduced into that **Construction Agreement** provided that the **User's** project is progressing in accordance with and is reasonably aligned to the **Construction Programme** in that **Construction Agreement**. If **The Company** has reason to believe that that is not the case and the **User** has not been able to demonstrate that it is progressing to **The Company's** reasonable satisfaction **The Company** shall notify the **User** that the **Construction Agreement** is to be treated as an **Existing CMP 376 Construction Agreement** and the provisions of Paragraph 16.6.3 shall apply but with the reference to "within 6 months of being notified in accordance with Paragraph 16.6.2" being replaced with "2 months after the issue of such notice".

16.6.5 In the case of **Modification Offers**, the **Queue Management Process** will be applied and Appendix Q created by reference to the **Completion Date** in the **Modification Offer** and the date on which the **Modification Offer** is made by **The Company** to the **User**. In the case of the **CMP 376 Agreement to Vary**, the **Queue Management Process** will be applied and Appendix Q created by reference to the **Completion Date** in the **Existing CMP 376 Construction Agreement** and the date on which the **CMP 376 Agreement to Vary** is offered by **The Company** to the **User**.

16.6.6 In this Paragraph 16.6:

- (a) the term **CMP 376 Implementation Date** shall mean the **Implementation Date** for CUSC Modification Proposal 376 (Inclusion of Queue Management Process within the CUSC); and
- (b) the term **CMP 376 Agreement to Vary** shall mean the Agreement to Vary issued by **The Company** to the **User** in accordance with Paragraph 16.16.3 above introducing the **Queue Management Process** and Appendix Q into an **Existing CMP 376 Construction Agreement**; and
- (c) the term **Existing CMP 376 Construction Agreement** shall mean a **Construction Agreement** (other than those which fall within Paragraph 16.2 above) where the **Works** under that **Construction Agreement** are not completed at the **CMP 376 Implementation Date** and:
 - (i) the **Construction Agreement** is dated on or before the **CMP 376 Implementation Date** and the **Completion Date** is after the date which is two years from the **CMP 376 Implementation Date**; or
 - (ii) the **Construction Agreement** is the subject of an **Offer** made on or prior to the **CMP 376 Implementation Date**, is dated after the **CMP 376 Implementation Date** and the **Completion Date** is after the date which is two years from the **CMP 376 Implementation Date**; or
 - (iii) the **Construction Agreement** has a **Completion Date** which is on or before the date which is two years from the **CMP 376 Implementation Date** and where **The Company** has issued a notice to the **User** under Paragraph 16.6.4 above.