

28 April 2023 CUSC Panel Minutes

CUSC Panel

Date: 28/04/2023 **Location:** Faraday House

Start: 10:00 **End:** 13:00

Participants

Attendee	Initials	Company
Trisha McAuley OBE	TM	Independent Panel Chair
Paul Mullen	PM	Code Administrator, National Grid Electricity System Operator (Presenter of CMP409)
Teri Puddefoot	TP	Technical Secretary, Code Administrator, National Grid Electricity System Operator
Andrew Enzor	AE	Users' Panel Member
Andy Pace	AP	Consumers' Panel Member
Binoy Dharsi	BD	Users' Panel Member
Garth Graham	GG	Users' Panel Member
Grace March	GM	Users' Panel Member
Karen Thompson – Lilley	KTL	National Grid Electricity System Operator
Mark Duffield	MD	Users' Panel Member (Alternate for Cem Suleyman)
Nadir Hafeez	NH	Authority Representative
Paul Jones	PJ	Users' Panel Member

Observers/Presenters

Attendee	Initials	Company
Rashmi Radhakrishnan	RR	BSC Observer
Neil Dewar	ND	Code Administrator, National Grid Electricity System Operator, Presenter of CMP414
Milly Lewis	ML	Code Administrator, National Grid Electricity

		System Operator, Observer and Presenter of CMP330/CMP374 Workgroup Report
Jonathan Whitaker	JW	Code Administrator, National Grid Electricity System Operator, Observer
Stephen Dale	SD	National Grid Electricity System Operator, Observer

Apologies

Attendee	Initials	Company
Cem Suleyman	CS	Users' Panel Member

1. Introductions and Apologies

11804. Apologies were received from CS. AP confirmed a declaration of interest relating to the CMP331 Workgroup report to be presented to the Panel.

2. Minutes from previous meetings

11805. The meeting minutes from the 24 February 2023 and 31 March 2023 Panel meeting were approved.

3. Review of actions log

11806. PM informed the Panel that there was no change to Action 182. Consumer Scotland have inherited some of the statutory powers of Citizens Advice Scotland and a review of the wording in the CUSC is required to ascertain if modifications are required to be brought forward. PM advised that consideration was still being given to how the Consumer Scotland update could be added to the CUSC but stated that it would likely be part of a housekeeping modification if a change is needed.

4. Chair's update

11807. The Chair provided the Panel with an update following the Independent Panel Chair Forum to discuss Energy Codes Reform and the impacts on the Future System Operator.

5. Authority Decisions

11808. Ofgem provided an update on Modifications that have been decided upon, together with those currently awaiting their decision.

Decisions since last CUSC Panel

None

Awaiting Decisions

Modification	What this seeks to achieve	Expected Decision Date
CMP286/CMP287	Seeks increased notice of the Target Revenue (CMP286) and inputs (CMP287) used in the TNUoS Tariff Setting Process	29 September 2023
CMP288	Explicit charging arrangements for customer delays and	Expected decision date was 31 March 2023 but not yet received. Authority

	backfeeds into transmission connections	Representative at Panel noted that decision would be issued after bank holiday but provided a heads up that this would be an Authority send-back.
CMP292	Introduces a cut-off date for changes to the Charging Methodologies	31 October 2023
CMP298	Process for aggregated assessment of Distributed Generators that impact (or may impact) on the National Electricity Transmission System.	29 May 2023 (previously 26 April 2023)
CMP344	Clarifies that the allowed revenue for Transmission Owners recovered from Transmission Users under the Charging Methodologies is fixed for each onshore price control period for onshore transmission licensees and at the point of asset transfer for OFTOs.	28 June 2023 (previously 28 April 2023)
CMP379	Seeks to clarify how TNUoS demand zones and therefore TNUoS demand tariffs and charges should be determined for transmission-connected demand users who connect at the boundaries of multiple DNO areas	31 August 2023

Other Updates

11809. The Authority advised the Panel that as part of the Energy Codes Reform (ECR), a workshop will be held to review the role of code manager selection and process. The Panel requested that the Authority provide further detail as to timing of these workshops. The Chair emphasised the importance of Ofgem engaging in direct liaison with Code Panels. **(Action: NH to provide further information to the Panel).**

6. New modifications

11810. The following new modification was presented to the Panel:

CMP414: "CMP330/CMP374 Consequential Modification"

11811. ND presented to the Panel, explaining that CMP414 seeks to enact the Workgroup solution from CMP330/CMP374, by updating Exhibit B, Section 2 and Section 11 of the CUSC.

11812. A Panel member queried why a standard form of adoption agreement wasn't included in the legal text. ND confirmed that this would not be an exhibit to the CUSC and would be a bespoke agreement that is entered into bilaterally between the Transmission Owner and the User

11813. The Panel went on to discuss the disputes process relating to this and how a dispute would be referred to the Authority, if required. ND confirmed that, whilst a dispute

process was not covered in CMP414, it was covered by section 7.4 of the CUSC under "Other Dispute".

11814. The Panel agreed that CMP414 should follow Standard Governance and proceed to Code Administrator Consultation. The Code Administrator Consultation will be published on 1 June 2023 (to better align with the timing of the related STC Modification CM079) and this will close at 5pm on 29 June 2023.

7. In flight modification updates

11815. PM talked the Panel through the progression of the in-flight modifications. The in-flight modifications can be found within the CUSC Panel papers pack on the National Grid ESO website via the following link: <https://www.nationalgrideso.com/calendar/cusc-panel-meeting-31032023>
11816. PM also presented the latest rolling 12-month cross code view of all the Workgroups currently planned in and when Workgroup Reports and Draft Final Modification Reports are planned to be presented to the Panel, together with a view of modifications that are likely to be raised in the same period.

CMP396: Re-introduction Of BSUoS on Interconnector Lead Parties

11817. PM reminded the Panel that, during the August 2022 Panel meeting, it was agreed that independent legal advice needed to be commissioned to determine whether this proposed change was legally permissible. Revised Terms of Reference were set on this basis.
11818. PM advised the Panel that the requested legal opinion was issued to the Workgroup on 28 March 2023 and this independent legal advice stated that CMP396 "would likely be unlawful"
11819. It was noted that at the time of the Panel meeting, the Proposer had not yet confirmed if they wish to proceed with CMP396.
11820. The Panel agreed that before agreeing to a revised set of Terms of Reference and reviewing prioritisation, the Proposer needs to confirm if they still wish to proceed with CMP396 (**Post Meeting Note: Proposer wishes to proceed with CMP396, and this was confirmed to Panel 5 May 2023**).

CMP315: TNUoS: Review of the expansion constant and the elements of the transmission system charged for

11821. PM advised that the Panel that the CMP315/CMP375 Workgroup had requested the removal of e) from the Terms of Reference as this was no longer of relevance and proposed some clarification wording changes to Terms of Reference (f).
11822. The Panel agreed to the requested changes.

CMP385: Improvements to Securities and Liabilities provisions within CUSC

11823. PM advised the Panel that, on 27 March 2023, the Proposer notified Code Admin that they no longer wished to be Proposer of CMP385. CUSC 8.16.10 defines the process for withdrawal and industry were notified on 27 March 2023 and had until 5pm on 3 April 2023 to express their wish to become the new Proposer. As no one expressed an interest, the Panel were asked under CUSC 8.16.10(b) to agree to the withdrawal of CMP385.
11824. The Panel agreed to withdraw CMP385
11825. The next Modification Tracker will be published on 9 May 2023.

8. Discussion on Prioritisation

11826. For each Modification in the prioritisation stack, the Panel have determined if the Priority is “High”, “Medium to High”, “Medium”, “Low to “Medium” or Low”. Panel continue to review the prioritisation stack on a monthly basis and every quarter hold a more in-depth review (ahead of this review, Proposers will be asked to provide updated justification against the prioritisation criteria).
11827. The CUSC Panel agreed that no changes to the prioritisation stack were required. The latest Prioritisation Stack can be found via the following link: [CUSC Prioritisation Stack as at 31 March 2023.xlsx \(live.com\)](#)

9. Workgroup Reports

11828. The following Workgroup Reports were presented to the Panel:

[CMP330&CMP374: Allowing new Transmission Connected parties to build Connection Assets greater than 2km in length & CMP374: Extending contestability for Transmission Connections](#)

11829. PM advised the Panel that CMP330 & CMP374 seeks to amend the definition of Connection Assets in section 14 of the CUSC to allow cable and overhead line lengths over 2km to be contestable where agreed between the Transmission Owner and the User.
11830. The Panel agreed that the Terms of Reference have been met and agreed for CMP330/CMP374 to proceed to Code Administrator Consultation. The Code Administrator Consultation will be published on 1 June 2023 (to better align with the timing of the related STC Modification CM079) and this will close at 5pm on 29 June 2023.

[CMP331: Option to replace generic Annual Load Factors \(ALFs\) with site specific ALFs](#)

11831. PM advised the Panel that CMP331 seeks to provide new generators with the option to replace the generic Annual Load Factors (ALFs) used to determine their TNUoS charges with a user-provided ALF.
11832. The Panel agreed that the Terms of Reference have been met and agreed for CMP331 to proceed to Code Administrator Consultation. The Code Administrator Consultation will be published on 9 May 2023, and this will close at 5pm on 31 May 2023.

10. Draft Final Modification Reports

11833. No Draft Final Modification Reports were presented to the Panel.

11. Standing Groups

Transmission Charging Methodology Forum (TCMF)

11834. KTL provided a summary of the topics that were discussed at the last TCMF meeting on 6 April 2023, which include Connections Reform, an update on STAR Billing System and Isolated MITS - Impact on TNUoS. The papers and presentations for this meeting can be

found via the following link: [Transmission Charging Methodologies Forum \(TCMF\) - 06.04.2023 | ESO \(nationalgrideso.com\)](#)

11835. The next TCMF meeting will be held on 4 May 2023 and will cover TCMF Sub-group – Enduring Fixed BSUoS, OTNR update and a Deep dive on the TO revenue change from November forecast to January final tariff. The papers and presentations for this meeting can be found via the following link: [Transmission Charging Methodologies Forum \(TCMF\) - 04.05.2023 | ESO \(nationalgrideso.com\)](#)

Joint European Stakeholder Group (JESG)

11836. No further updates for the Panel.

Governance Standing Group

11837. No further updates for the Panel.

EU Codes

11838. No update for the Panel.

11839. The Panel agreed to NH's suggestion that this item be removed as a standing agenda item, and that, any future updates be provided by exception and during the Authority update standing item. The Panel also agreed that a similar approach (removal as a standing item) could be taken with the Governance Standing Group, given that it had not met for several years.

12. Update on other Industry Codes

11840. ML advised the Panel on the progress of the different modifications within the Electricity System Restoration Standard (GC0156, CMP398, CMP412, CM089 and GSR032)

11841. RR provided the Panel with an update regarding the BSC modifications: P451 and noted that this will be presented to the BSC Panel on 5th May before going to workgroup. It will be aligned with other modifications

13. Relevant Interruptions Claim Report

11842. The Panel noted that there were no outstanding claims on the latest Relevant Interruptions Claim Report (to cover the period 1 January 2023 to 31 March 2023)

14. Governance

11843. No further updates for the Panel.

15. Horizon Scan

11844. No further updates for the Panel.

16. Code Administrator Update

11845. No further updates for the Panel.

17. Any Other Business

11846. The Panel discussed other venues for the next face to face Panel meeting in July. Most agreed that London would be a suitable venue.
11847. The Chair informed the Panel that PM is leaving his role as Panel Secretary and will be replaced by ML. The Chair and the Panel expressed very sincere thanks and appreciation to Paul for his outstanding support to the Panel and wished him the very best in his new role,

The next CUSC Panel meeting will be held on 26 May 2023 at 10:00 via Teams.