

Workgroup Consultation Response Proforma**CMP376: Inclusion of Queue Management process within the CUSC**

Industry parties are invited to respond to this consultation expressing their views and supplying the rationale for those views, particularly in respect of any specific questions detailed below.

Please send your responses to cusc.team@nationalgrideso.com by **5pm** on **23 December 2022**. Please note that any responses received after the deadline or sent to a different email address may not receive due consideration.

If you have any queries on the content of this consultation, please contact paul.j.mullen@nationalgrideso.com or cusc.team@nationalgrideso.com

Respondent details	Please enter your details
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I wish my response to be:

(Please mark the relevant box)

☒ Non-Confidential☐ Confidential

Note: A confidential response will be disclosed to the Authority in full but, unless agreed otherwise, will not be shared with the Panel or the industry and may therefore not influence the debate to the same extent as a non-confidential response.

For reference the Applicable CUSC (non-charging) Objectives are:

- The efficient discharge by the Licensee of the obligations imposed on it by the Act and the Transmission Licence;*
- Facilitating effective competition in the generation and supply of electricity, and (so far as consistent therewith) facilitating such competition in the sale, distribution and purchase of electricity;*
- Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency *; and*
- Promoting efficiency in the implementation and administration of the CUSC arrangements.*

*The Electricity Regulation referred to in objective (c) is Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast) as it has effect immediately before IP completion day as read with the modifications set out in the SI 2020/1006..

Please express your views in the right-hand side of the table below, including your rationale.

Standard Workgroup Consultation questions							
1	Do you believe that the Original Proposal or any of the potential alternative solutions better facilitates the Applicable Objectives?	<p>Mark the Objectives which you believe each solution better facilitates:</p> <table border="1"> <tr> <td>Original</td> <td><input checked="" type="checkbox"/> A</td> <td><input checked="" type="checkbox"/> B</td> <td><input type="checkbox"/> C</td> <td><input type="checkbox"/> D</td> </tr> </table> <p>A At present, without the proposal, it is not possible for the Transmission Licensee to ensure allocated capacity is fully utilised, particularly within a timely manner. This makes it extremely difficult, if not impossible, for the Transmission Licensee to develop the transmission network efficiently and effectively. The proposal allows the Licensee to ensure allocated capacity is fully utilised, as planned, and connections queues are manageable and transparent. Benefitting both the Licensee and Users. This will better facilitate the development of an efficient, co-ordinated and economical electricity system.</p> <p>B The proposal includes a clear process and looks ensure capacity is fully utilised, both of which facilitate effective competition. Fully utilising capacity and enabling network development and reinforcement to align with clear and demonstrable capacity requirements also ensures efficient development of the network which will lower overall costs to end users, promoting wider competition.</p>	Original	<input checked="" type="checkbox"/> A	<input checked="" type="checkbox"/> B	<input type="checkbox"/> C	<input type="checkbox"/> D
Original	<input checked="" type="checkbox"/> A	<input checked="" type="checkbox"/> B	<input type="checkbox"/> C	<input type="checkbox"/> D			
2	Do you support the proposed implementation approach?	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>The implementation approach is supported however it is suggested this should be implemented to apply to new and existing users. Without this approach there will be risk of discrimination to later applicants and a limitation to the positive effect on connection queues and capacity utilisation – this has been illustrated on the DNO network as a result of the ENA Guidance (Queue Management User Guide). This guidance implemented updated Milestones for new contracts (issued after July 2021). This has created a</p>					

		<p>bias approach to queue management and milestones at distribution level, at no fault of the DNO.</p> <p>The guidance gave a clear process to enable the DNO to effectively manage queues for applications after this date however this did not address the high volume applications prior to this date.</p> <p>The result is the DNO's method of queue management, via terminating slow moving and speculative applications, focusses on projects that have applied after this date.</p> <p>However those that applied prior, which are of considerable volume and therefore have a direct impact on network reinforcement and connection queues, remain largely unchecked.</p> <p>This creates a bias approach that discriminates, unfairly, on those that have applied after the implementation date. This approach additionally also failed to fully address the issues with QM and capacity having only applied to newer connection applications, while the larger impact on networks and the associated capacity is arguably as a result of existing connection offers in the connections queue.</p> <p>Clear parallels can be drawn with the issues on the Distribution system to those looking to be addressed on the Transmissions system via this proposal.</p> <p>With the limitations and potential discrimination to later applications apparent in the DNO solution, largely as a result of implementation, its strongly suggested this is considered and addressed within the implementation of this proposal.</p>
3	Do you have any other comments?	<p>Evidencing of the Milestones needs careful consideration to ensure clarity for both the Licensee and User/Applicant.</p> <p>For example, M5 requires a Contestable Design be submitted however there is no clarity on the level of design. As an extreme example a design not fit for purpose could be submitted and rejected and, technically, this Milestone has been achieved.</p> <p>Clarity is needed on the approach to delays that are not the fault of the User/Applicant. For example, delays in planning when a planning request is submitted on time but the delay is with the Planning Authority (becoming more common).</p> <p>Or delays in submitting to planning where pre-planning has highlighted unforeseen assessments that can have requirements to survey at particular times of year (enforcing a 6 month or more delay).</p>

		It's understood that there needs to be a clear line however currently the definitions and lack of clarity on evidencing risks sites with genuine issues that have progressed in a timely manner being cancelled, which is, as understood, not the aim of the proposal.
4	Do you wish to raise a Workgroup Consultation Alternative Request for the Workgroup to consider?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Specific Workgroup Consultation questions

1	Do you agree with the Milestone durations proposed? Please provide the rationale for your response.	<p>Yes. However, a suggestion would be that the Land Rights Milestone (M3) would align so that all Users would be expected to achieve land rights in the same timeframe (from acceptance).</p> <p>While other Milestones are more clearly affected by connection date, the land rights are not and it would seem a fair approach to ensure all Users/Applicants are expected to achieve land rights within the same timeframe from application/acceptance.</p>
2	Do you agree that the time period for the milestone durations should be from the contracted Completion Date back to the date the Offer is sent to the User; or from the Contracted Completion Date back to the date the Offer is accepted by the User; or from the Contracted Completion Date back to the date the Offer becomes effective; or do you have an alternative approach? Please provide the rationale for your response.	<p>While the Date of Offer would align with the DNO approach the Date of Acceptance seems the more logical approach as this, contractually, is when the Offer is formed/contract is agreed. This would also mitigate any issues between Offer issue and Offer acceptance (should there be any) without adversely affecting the User/Applicant in relation to Milestones.</p>
3	There are differences between the arrangements at	<p>While it is understood that Distribution and Transmission can require different arrangements there is a very real risk of confusion between the two.</p>

	<p>Transmission and Distribution. Do you agree with the reasons provided why there is different treatment and that these don't create undue discrimination? Please provide the rationale for your response.</p>	<p>Most notably as the existing ENA guidance specifically states it relates to both Distribution and Transmission. Clarity and consistency, where applicable, should be paramount between Distribution and Transmission.</p> <p>However, this is not to suggest this proposal should be adjusted to align with the existing ENA guidance. Instead, with the lessons learned since the ENA guidance implementation, this new proposal should take into account the applicable processes within the ENA guidance and improve where possible and adjust where necessary, which it has done in some cases however others, as mentioned, risk being missed.</p> <p>The ENA guidance must also be addressed ASAP to ensure the references to it applying to Transmission are removed and the guidance is updated to ensure the relevant Transmission process is referenced within it. Additionally, the ENA guidance should logically be updated following the CMP proposals implementation. Ideally this would have happened in parallel to this proposal. While it is understood Distribution and Transmission are different entities, where guidance and processes overlap these should be updated in parallel.</p>
4	<p>Do you agree with the evidence requirements proposed? Please provide the rationale for your response.</p>	<p>Further clarity is required regarding the required evidencing. Single sentencing descriptions are too broad and open to, potentially incorrect, interpretation risking Users unfairly being terminated or, conversely, risking the Licensee not being issued with adequate evidence and requiring protracted discussions over what is or isn't acceptable evidence.</p>
5	<p>Do you agree that works specifically for a User, whose Construction Agreement has been terminated under CMP376, should be suspended until the outcome of the Appeal/Dispute. Please provide the rationale for your response.</p>	<p>Yes. However careful consideration is needed to address what happens if this appeal upholds the User was indeed correct in appealing/their CA should not have been terminated.</p>

6	Do you have any views on the most appropriate route for Appeals/Disputes raised by a User whose Construction Agreement has been terminated under CMP376? Please provide the rationale for your response.	No specific views on the route however a clear process is needed. As noted, there also needs to be a clear process for addressing the, likely rare, cases where an appeal is upheld.
7	Do you agree with the circumstances when Milestone Dates will be changed – the “exceptions”? Please provide the rationale for your response.	As with evidencing, the exceptions need further clarity and clear detail and distinction of what constitutes each example. Without this there is a risk of incorrect interpretation and differing understanding between the Licensee and the User/Applicant.
8	Do you agree that the associated Construction Agreement will be terminated if Milestone Dates (unless covered by the exceptions) are missed and not rectified within the 60-calendar day period? Please provide the rationale for your response.	Yes, for works specifically for a User.
9	Do you agree with the proposed impacts on Milestones for different types of Modification Applications? Please provide the rationale for your response.	Updated, aligned, Milestones in Mod Apps makes sense to ensure fair treatment.
10	Does the CMP376 Original proposal or any of the potential alternative solutions impact your business and/or end consumers. If so, how?	Yes. It could potentially affect our existing TEC if we require a Mod App, as under the proposal this would update the CA to include Milestones. Additionally, if the proposal is implemented to all existing contracts, as suggested above, this would have the same effect on our TEC without the triggering Mod App. However the inclusion of Milestones, provided the above issues are addressed, should not negatively affect progressing sites. The proposal will, if it achieves it's proposed goal, would free up any un-utilised capacity and lower connections

		timescales which will positively impact all Developers looking to connect to the Transmission Network and fully utilise their capacity.
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