

**CMP435 & CM096**

**Application of Gate 2 Criteria to existing contracted background**

**Workgroup Meeting 2, 15 May 2024**  
Online Meeting via Teams

WELCOME



## Expectations of a Workgroup Member

Contribute to the discussion

Be respectful of each other's opinions

Language and Conduct to be consistent with the values of equality and diversity

Do not share commercially sensitive information

Be prepared - Review Papers and Reports ahead of meetings

Complete actions in a timely manner

Keep to agreed scope

Email communications to/cc'ing the .box email

## Your Roles

Help refine/develop the solution(s)

Bring forward alternatives as early as possible

Vote on whether or not to proceed with requests for Alternatives

Vote on whether the solution(s) better facilitate the Code Objectives

# Bespoke Ways of Working

- **Collaboration space**
  - This will be an area where we will share with Workgroup Members documentation which needs to be worked on together; it will include the action log and a queries log so that we can keep these reviews to a minimum during Workgroup meetings
- **Workgroup members versus observers**
  - Due to the size of membership only Workgroup members will have the ability to present, come off mic, and have access to the collaboration space
  - Observers will be able to watch Workgroup meetings
- **2 Workstreams across 2 separate codes**
  - There will be both CUSC and STC Workgroup members in the meetings that are held; when there are topics which are purely one modification or the other this will be called out ahead of time
  - There are some variations in governance rules between the two codes and that will be made clear along the way
- **Workgroup summaries**
  - These will be short captions on agreed outputs and actions alone; the detail will be included into the Workgroup consultation (and subsequent Workgroup Report) which will be shared in the collaboration space, but may be password protected at times by the Chair
- **Preparation and alternates**
  - Due to the intense timeline we will operate on the basis that all alternates have been briefed accordingly so that debate can be focused on solution refinement (this includes Proposer's, Workgroup members and Code Administrator representatives)
- **Exiting the day clean**
  - Post the Workgroup meetings we will have a smaller session which will end no later than 16:55 for those members who have been allocated actions or next steps to ensure absolute clarity on the asks

# Agenda

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## Topics to be discussed

**Lead**

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Introductions

Chair

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Timeline and Topics

Chair

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Workgroup Membership Check

Chair

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Action Review

Chair

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Proposer's slides

Proposer (AT)

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Any Other Business

Chair

- Collaboration space
- Query log

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Next Steps

Chair

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Timings:

Aiming for a 10min break after 1hr of discussion, with 45-60mins for lunch, depending on progress of the meeting.



# Timeline and Topics

Catia Gomes – ESO Code Administrator

# Timeline for CMP435 and CM096 as at 02 May 2024

Milestone	Date	Milestone	Date
Workgroup Nominations (4 Business Days)	26 April 2024 to 02 May 2024	Code Administrator Consultation (9 Business Days)	19 August 2024 to 02 September 2024
Ofgem grant Urgency	01 May 2024(5pm)	Draft Final Modification Report (DFMR) issued to Panel (3 Business Days)	09 September 2024
Assuming Ofgem have granted Urgency Workgroup meetings 1 - 6	07 May 2024 15 May 2024 23 May 2024 29 May 2024 04 June 2024 12 June 2024	Panel undertake DFMR recommendation vote (Special Panel)	13 September 2024 (by 2pm)
Workgroup Consultation (8 Business Days)	25 June 2024 – 05 July 2024	Final Modification Report issued to Panel to check votes recorded correctly	13 September 2024 (by 4pm)
Workgroup meeting 7 - 11	16 July 2024 19 July 2024 23 July 2024 31 July 2024 06 August 2024	Final Modification Report issued to Ofgem	13 September 2024 (by 5pm)
Workgroup report issued to Panel (2 Business Days)	13 August 2024	Ofgem decision	06 November 2024
Special Panel sign off that Workgroup Report has met its Terms of Reference	16 August 2024	Implementation Date	01 January 2025

# Outline of Workgroup(s) Meeting Topics – CMP435 & CM096

<b>WG meeting 1</b>	<ul style="list-style-type: none"> <li>• Set the scene, ToR, timeline, ways of working, context -why connections reform, what are the issues and solutions, what is and isn't scope, cross code impacts, who is impacted and how?</li> </ul>
<b>WG meeting 2 and WG meeting 3</b>	<ul style="list-style-type: none"> <li>• Extending the Gate 2 concept to apply to existing connection contracts (from planned for Go-Live Date of 1 January 2025).</li> <li>• Changes to the contractual arrangements for those existing contracted parties that have not met the Gate 2 criteria by the Go-Live Date of 1 January 2025.</li> <li>• Implementation approach.</li> </ul>
<b>WG meeting 4 and WG meeting 5</b>	<ul style="list-style-type: none"> <li>• Identify which sections of legal text will change (Separate CUSC and STC)</li> <li>• Finalise WG Consultation (Separate CUSC and STC)</li> </ul>
<b>WG meeting 6</b>	<ul style="list-style-type: none"> <li>• Assess WG Consultation responses, discuss new points</li> <li>• Discuss potential alternatives and agree who develops these</li> </ul>
<b>WG meeting 7 and WG meeting 8</b>	<ul style="list-style-type: none"> <li>• Finalise WG Alternatives (CUSC 1st then reflect in STC)</li> <li>• Legal Text (Separate CUSC and STC)</li> </ul>
<b>WG meeting 9</b>	<ul style="list-style-type: none"> <li>• Finalise Legal Text (Separate CUSC and STC)</li> <li>• WG Alternative Vote (Separate CUSC and STC)</li> <li>• This is where we are re: Alternatives (Separate CUSC and STC)</li> </ul>
<b>WG meeting 10</b>	<ul style="list-style-type: none"> <li>• Workgroup Report (Separate CUSC and STC)</li> <li>• Workgroup Vote (Separate CUSC and STC)</li> </ul>





# **Workgroup Membership Check**

**Catia Gomes – ESO Code Administrator**

# CMP435 - Application of Gate 2 Criteria to existing contracted background Workgroup Membership

Code Administrator Modification Chair: Elana Byrne  
Code Administrator Technical Secretary: Tammy Meek

[Code Modification Page](#)  
[Code Governance Rules](#)

Role	Name	Company	Industry Sector
Proposer	Alice Taylor	ESO	System Operator
Workgroup Member	Deborah MacPherson	Scottish Power Renewables	Generator
Workgroup Member	Garth Graham	SSE Generation	Generator
Workgroup Member	Claire Hynes	RWE Renewables	Generator
Workgroup Member	Paul Youngman	Drax	Central resource across Generation and supplier businesses
Workgroup Member	Greg Stevenson	SSEN Transmission (SHET)	Onshore Transmission Licensee
Workgroup Member	Michelle MacDonald Sandison	SSEN	Network Operator
Workgroup Member	Richard Woodward	NGET	Onshore Transmission Licensee
Workgroup Member	Kyran Hanks	WWA Ltd	CUSC Panel Member
Workgroup Member	Sam Aitchison	Island Green Power	Developer
Workgroup Member	Callum Dell	Invenergy	Generator
Workgroup Member	Rob Smith	Enso Energy	Generator
Workgroup Member	Mark Field	Sembcorp Energy (UK) Limited	Legal, Regulation and Compliance
Workgroup Member	Wendy Mantle	Scottish Power Energy Networks	Network Operator
Workgroup Member	Samuel Railton	Centrica	Generator
Workgroup Member	Barney Cowin	Statkraft	Generator
Workgroup Member	Charles Deacon	Eclipse Power Solutions	Network Operator

# CMP435 - Application of Gate 2 Criteria to existing contracted background Workgroup Membership

Code Administrator Modification Chair: Elana Byrne  
Code Administrator Technical Secretary: Tammy Meek

[Code Modification Page](#)  
[Code Governance Rules](#)

Role	Name	Company	Industry Sector
Workgroup Member	Nirmalya Biswas	Northern Powergrid	Network Operator
Workgroup Member	Joe Colebrook	Innova Renewables	Generator
Workgroup Member	Jack Purchase	NGED	Network Operator
Workgroup Member	Charles Edward Cresswell	Cero Generation	Generator
Workgroup Member	Hooman Andami	Elmya Energy	Generator
Workgroup Member	Helen Snodin	Fred Olsen Seawind	Generator
Workgroup Member	Ravinder Shan	FRV TH Powertek Limited	Generator
Workgroup Member	Steffan Jones	Electricity North West Limited (ENWL)	Network Operator
Workgroup Member	Jonathon Lee Hoggarth	EDF Renewables Ltd	Generator
Workgroup Member	Paul Jones	Uniper	Generator
Workgroup Member	Pedro Javier Rodriguez	Lightsourcebp	Generator
Workgroup Member	James Devriendt	UK Power Networks	Network Operator
Workgroup Member	Ed Birkett	Low Carbon	Generator
Workgroup Member	Niall Stuart	Hutcheson Associates (Nominated on behalf of Buchan Offshore Wind)	Consultancy
Workgroup Member	Gareth Williams	Scottish Power Transmission	Onshore Transmission Licensee
Workgroup Member	Antony Cotton*	Energy Technical & Renewable Services Ltd	Other - not disclosed
Authority Representative	Liam Cullen / Salvatore Zingale	Ofgem	-

\* Confirmation pending for nomination by a Schedule 1 CUSC party

# CMP435 - Application of Gate 2 Criteria to existing contracted background

Code Administrator Modification Chair: Elana Byrne  
Code Administrator Technical Secretary: Tammy Meek

[Code Modification Page](#)  
[Code Governance Rules](#)

## Observers

Role	Name	Company	Industry Sector
Observer	Matt Predescu	Eclipse Power Solutions	Network Operator
Observer	Jeremy Sainsbury	Fred Olsen Renewables	Generator
Observer	Barnaby Wharton	RenewableUK	Generator - trade association representing
Observer	Kyle Smith	Energy Networks Association	Other - trade association
Observer	Kirill Glukhovskoy	AQUIND Limited	Other - Interconnector Licensee
Observer	Aaron Priest	Ocean Winds	Generator
Observer	Alex Ikonic	Orsted	Generator
Observer	Karen Gold	Natural Power	Generator
Observer	Loukas Papageorgiou	RWE	Generator
Observer	Gillian Hilton	SSE Group	Network Operator, Supplier and Generator
Observer	Graz Macdonald	Waters Wye & Associates	Consultant
Observer	Ahmed Dabb	Aurapower/Solar & Bess Developers	Unknown
Observer	Amir Fazeli	Emeren	Renewable Developer
Observer	Joseph Martin	SSE Renewables (Solar & Battery)	

# CM096 - Application of Gate 2 Criteria to existing contracted background Workgroup Membership

Code Administrator Modification Chair: Teri Puddefoot  
Code Administrator Technical Secretary: Prisca Evans

[Code Modification Page](#)  
[Code Governance Rules](#)

Role	Name	Company	Industry Sector
Proposer	Stephen Baker	ESO	System Operator
Workgroup Member	Claire Hynes	RWE Renewables	Generator
Workgroup Member	Gareth Williams	Scottish Power Transmission	Onshore Transmission Licensee
Workgroup Member	Garth Graham	SSE Generation	Generator
Workgroup Member	Grant Rogers	Qualitas Energy	Generator
Workgroup Member	Greg Stevenson	SSEN Transmission (SHET)	Onshore Transmission Licensee
Workgroup Member	Helen Snodin	Fred Olsen Seawind	Generator
Workgroup Member	Joe Colebrook	Innova Renewables	Generator
Workgroup Member	Kyran Hanks	WWA Ltd	Other / Consultant
Workgroup Member	Paul Jones	Uniper	Generator
Workgroup Member	Richard Woodward	NGET	Onshore Transmission Licensee
Workgroup Member	Sam Aitchison	Island Green Power	Developer
Authority Representative	Liam Cullen /Salvatore Zingale	Ofgem	-

## Observers

Role	Name	Company	Industry Sector
Observer	Jeremy Sainsbury	Fred Olsen Renewables	Generator
Observer	Joel Matthews	DTC	Offshore Transmission Licensee
Observer	Loukas Papageorgiou	RWE	Generator



# Action Review

Catia Gomes – ESO Code Administrator

## Actions – Application of Gate 2 Criteria to existing contracted background (CMP435 and CM096)

Action number	Workgroup	Owner	Action	Comment	Due by	Status
	Raised					
1	WG1	AT/SB	Revise Terms of Reference based on Workgroup feedback	To submit to May Panels	WG3 (23/05/24)	Open
2	WG1	AT	Document that charging and user commitments will be out of scope for CMP435		Ongoing	Open
3	WG1	AT/ SB	Proposers for CMP435 and CM096 to confirm the consequential plans in case the Connections Network Design Methodology is not in place/parties have not complied in time		Ongoing	Open
4	WG1	EB	CMP435 - Workgroup discussions to cover whether NESO will designate some projects as Gate 2 (PM to confirm – TOR j can be reviewed for this if needed)		Ongoing	Open
5	WG1	AT	Clarification of types of projects that will be in/out of scope for CMP435		Ongoing	Open
6	WG1	EB	Workgroup to discuss the consequences of the SO:DNO contract changes on DNO contracts with other parties	Not for the CMP435 solution but WG Report	Ongoing	Open
7	WG1	Code Admin	Collaboration space – access queries to be explored with IT	Members can also explore this with their IT teams	Ongoing	Open
8	WG1	Code Admin	Workgroup & Action Review invites – invitees updated & shared		10 May	Open – propose to close
9	WG1	Proposers & SMEs	Process for addressing query log agreed		WG2	Open – propose to close
10	WG1	Code Admin	Workgroup membership to be updated and shared with Panel		10 May	Open - propose to close



**Proposer's slides**  
Alice Taylor – ESO



## Solution (Part 1)

**Extending the Gate 2 concept to apply to existing connection contracts (from planned Go-Live Date of 1 January 2025)**

- All existing contracts would need to meet Gate 2
- The scope under CMP435 applies to existing connection contracts prior to Go Live date
- Interdependencies with the defining of the Gate 2 criteria in CMP434 and CMP435 looking at the application of this to the existing queue

### **For WG consideration**

- Providing views on if and why an existing contracted party should be exempt (noting that the ESO propose no exceptions).
- Interactions with CMP434 noting that the Gate 2 criteria will be set by the CMP434 Workgroup.

## Solution (Part 2)

### Changes to the contractual arrangements for those existing contracted parties that have not met the Gate 2 criteria by the Go-Live Date

- Would apply to relevant parties with contracts providing for connection and use of system which are not connected or reached their completion date by 1 January 2025
- Includes Relevant Embedded Small, Medium and Large power stations
- The application of Gate 2 criteria to the existing contracts will mean those agreements which have not met Gate 2 will be amended to become indicative only
- The amendments to the existing agreements will include:
  - ✓ An indicative connection date and connection site
  - ✓ Remove any associated Transmission Reinforcement Works
  - ✓ Remove User Commitment liabilities and securities
  - ✓ Remove any Queue management milestones

### For WG consideration

- Consider the proposed list of amendments to existing agreements and share thoughts on questions we need to address.
- Have we missed anything else that needs to be considered?

## Solution (Part 3)

### The transitional arrangements in relation to how and when evidence is provided in relation to Gate 2

- Contractual arrangements which do not meet Gate 2 criteria, could be addressed wholesale through changes to the CUSC rather than individually varying those existing agreements
- Any relevant existing agreements will become indicative only and some sections of the connection contracts will no longer apply until after Gate 2 criteria are met
- The ESO would expect the DNOs to ensure that the aforementioned agreements with Relevant Embedded Small and Medium projects are reflected back to these projects

### For WG consideration

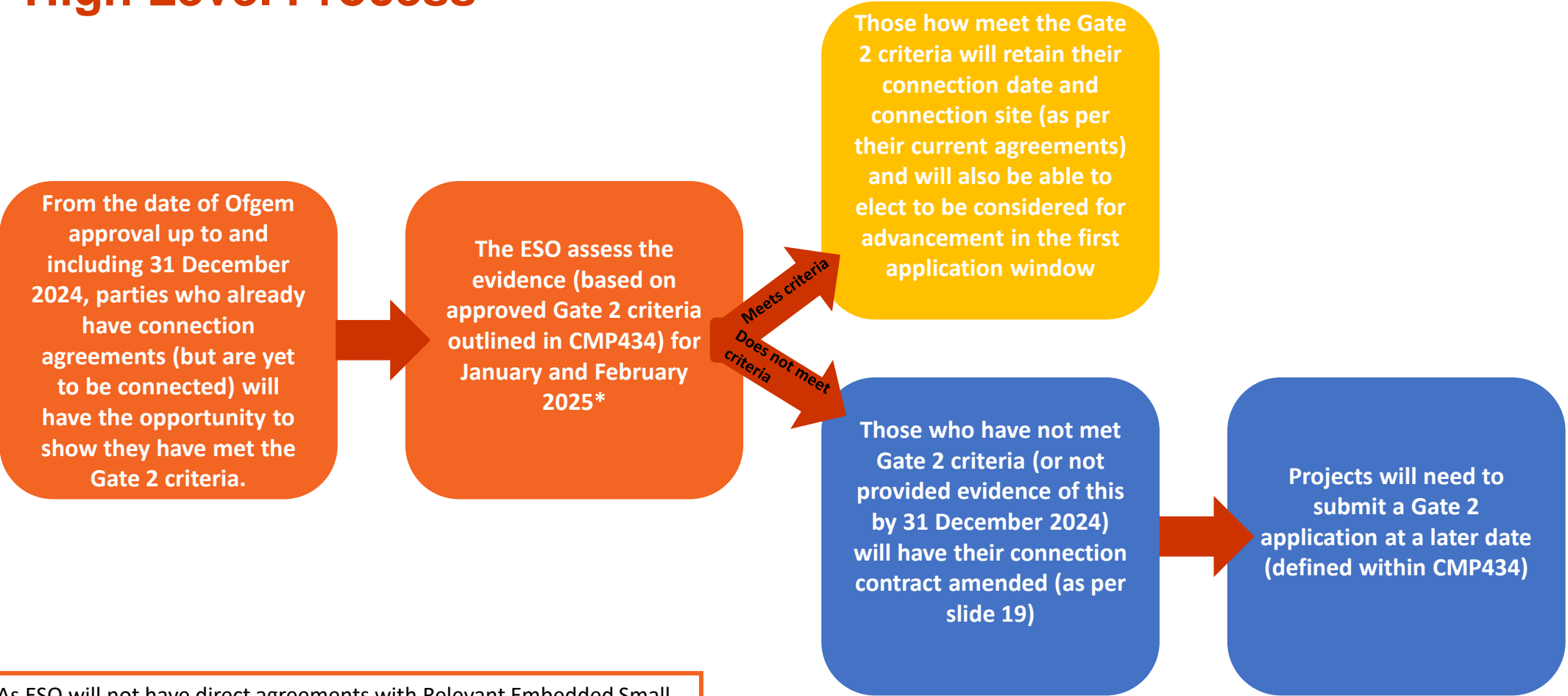
- Consider if contractual arrangements should be addressed through the Code or bilaterally on a site by site basis?

# Application/Offer Scenarios

- If a project that has made an application/Modification Application, but not received an offer before 31 December 2024 what type of contract do they get?
- If a project has received an offer (but not signed that offer and is still open for acceptance) at the Ofgem decision date, what happens to that offer?
- If a project has received an offer (but not signed that offer and is still open for acceptance) before 31 December 2024, what happens to that offer?
- If a project has received an offer (but not signed that offer and in fact has referred the offer to Ofgem) at the Ofgem decision date, what happens to that offer?
- If a project has received an offer (but not signed that offer and in fact has referred the offer to Ofgem) before 31 December 2024, what happens to that offer?

**Anything else?**

# High Level Process



\*As ESO will not have direct agreements with Relevant Embedded Small and Relevant Embedded Medium projects, we would expect the DNOs in these cases to ensure that the aforementioned arrangements are reflected back to these projects i.e. through the ESO arrangements (in relation to such projects) with the DNOs.



# **Any Other Business**

**Catia Gomes – ESO Code Administrator**

## Collaboration space – those still to respond highlighted in yellow ([CMP435](#))

Company	Type of Organisation	Alternate	Please can you confirm you have access and the information is correct
Ofgem		Salvatore Zingale	
Scottish Power Renewables	Generator	Ciaran Fitzgerald	Yes - Can't confirm Ciaran has access as on leave right now
SSE Generation	Generator	Andrew Colley	Yes for GG. Yes for AC.
RWE Renewables	Generator	Tim Ellingham	
Drax	Generation and supplier businesses	Nina Sharma	Yes
SSEN Transmission (SHET)	Onshore Transmission Licensee	Emily Fare	Yes
SSEN	Network Operator	Greg Hunt	Yes
NGET	Onshore Transmission Licensee	Jade Ison	
WWA Ltd	CUSC Panel Member		
Island Green Power	Developer	Dave Elvin	
Invenegy	Generator	ajay pappu	
Enso Energy	Generator	Duncan Pomeroy/ Charles Cresswell	Yes
Sembcorp Energy (UK) Limited	Legal, Regulation and Compliance	Amrik Bal	Yes
Scottish Power Energy Networks	Network Operator	Clare Evans	
Centrica	Generator	Helen Stack	Yes
Statkraft	Generator	Andrew Yates	Yes
Eclipse Power Solutions	Network Operator	Bill Scott	No/No
Northern Powergrid	Network Operator	Luke Scott	Yes
Innova Renewables	Generator	To be arranged on a per meeting basis	
NGED	Network Operator	Cuan Rowlands	Yes
Cero Generation	Generator	Duncan Pomeroy	
Elmya Energy	Generator	James Innes	
Fred Olsen Seawind	Generator	Mpumie Hlophe	Yes
FRV TH Powertek Limited	Generator	Preeti Yardi	No
Electricity North West Limited (ENWL)	Network Operator	Brian Hoy	
Uniper	Generator	Sean Gauton	Yes for Paul, Yes for Sean
EDF Renewables UK & Ireland	Generator	Kimbrah Hiorns	
Lightsourcebp	Generator	Mireia Barenys	No for both
UK Power Networks	Network Operator	Steve Halsey	Yes
Buchan Offshore Wind	Consultancy	Zygimantas Rimkus	No
Low Carbon	Generator	Alex Howison	Yes
Scottish Power Transmission		Neil Geddes	

## Collaboration space – those still to respond highlighted in yellow ([CM096](#))

Name	Company	Type of Organisation	Alternate	Please can you confirm you have access and the information is correct
Liam Cullen	Ofgem		Salvatore Zingale	
Claire Hynes	RWE Renewables	Generator	Tim Ellingham	
Gareth Williams	Scottish Power Transmission	Onshore Transmission Licensee	Neil Geddes	
Garth Graham	SSE Generation	Generator	Andrew Colley	Yes for GG
Grant Rogers	Qualitas Energy	Generator	Jamie Leslie	
Greg Stevenson	SSEN Transmission (SHET)	Onshore Transmission Licensee	Emily Rice	No
Helen Snodin	Fred Olsen Seawind	Generator	Mpumie Hlophe	Yes
Joe Colebrook	Innova Renewables	Generator		
Kyran Hanks	WWA Ltd	Other / Consultant	Graz Macdonald	
Paul Jones	Uniper	Generator	Sean Gauton	Yes for Paul, Yes for Sean
Richard Woodward	NGET	Onshore Transmission Licensee	Jade Ison	
Sam Aitchison	Island Green Power	Developer	Dave Elvin	



# Query log [Gate 2 - Query Log.xlsx](#)

## Ways of working update for the Query Log – Alice Taylor

Query number	Date of Query	Related Mod	Query from	Query will as much detail as possible	Respon	Date of Response	Response	Does this answer your query
1	7/5/2024	CMP 435	NPg	For existing projects with BCAs that are Gate 2 complied, will there be a reassessment of the capital contribution? (Considering a few DERs in the contract do not qualify)				
2	7/5/2024	CMP435	DMACP	Has any consideration been given to treatment of App Fees paid for new applications/mod apps in flight pre go live that will time out in receiving an offer by go live or will not qualify for Gate 2 and have offer rescinded?				
3	7/5/2024	CMP 435	NPg	what will happen to existing customers who don't meet gate 2 criteria but want to reapply will they need to go through a new application entirely or will there be part process for those customers, will they sit in hopper until they do meet the criteria.				
4	8/5/2024	CMP 435	NPg	Terms of reference (e) states associated costs - is where we will be discussing potential refund/ rebate for existing customers in part 4 Appendix G who don't meet gate 2 criteria, and are third party costs for surveys and manufacturer costs included, also contract changes due to Capital contribution i.e. cost shared between batch of 5 customers and 2 now drop out, the other 3 now responsible for cost.				
5	3/5/2024	CMP435	Garth Graham	In terms of in scope/out of scope there is a need to clarify where project(s) that have (a) made an application, but not recieved an offer, or (b) recieved an offer (but not signed) that offer - before 31st December 2024 in both cases, will sit.				
6	10/5/2024	CMP434/ CM095	Rob Smith - Enso Energy	Does the scope of the working group include getting a legal assessment of unilaterally changing a bilateral connection agreement (contract) - I appreciate it is made as a consequence of a change to the CUSC - some noise in market whether this is allowed - or is this something Ofgem will consider as they will ultimately make the decision. Bit unclear who might be challenged as contract is with ESO but decision to change is given force via change in the CUSC directed by Ofgem				
7	13/5/24	CMP435	DMAP	Has any consideration been given to the circumstances where number of projects do not meet Gate 2 cireteria triggers a re-design by the TO for those that do?				
8	3/5/2024	CMP435	Garth Graham	<a href="#">Item (2) email 3rd May 'disputes'</a>				



## Next Steps

Catia Gomes – ESO Code Administrator