

# Code Administrator Meeting Summary

## Meeting name: CMP434 & CM095 Workgroup 9

---

Date: 18/06/2024

---

### Contact Details

Chair: **Claire Goult** [Claire.Goult@nationalgrideso.com](mailto:Claire.Goult@nationalgrideso.com)

Proposer: **Graham Lear** [graham.lear@nationalgrideso.com](mailto:graham.lear@nationalgrideso.com)

---

## Key areas of discussion

The key areas for discussion in Workgroup 9 were:

- ESO Guidance Governance Approach
- Gate 1 Longstop Date
- Dispute Process
- Connection Point and Capacity Reservation Follow-Up

The Chair noted quoracy and began the Workgroup.

### **ESO Guidance Governance Approach**

The ESO shared a slide on how it expects the guidance documents introduced in this modification to be governed. A Workgroup member asked if the ESO was aiming to use guidance to clarify the requirements in the code, or if guidance would be used to bring in new requirements. A legal SME from the ESO stated that requirements should only be stated in the code, and that guidance should only be used to clarify the code. A Workgroup member asked why DFTC was not listed as requiring approval from OFGEM. The ESO stated this document is only to be used by DNOs and the ESO, so does not need to be approved by OFGEM. A Workgroup member stated they do not feel 14 calendar days is sufficient for a consultation report on changes to the guidance documents within this governance process.

A significant number of Workgroup members stated that each key document could be a separate modification, as the changes are too impactful to be defined by guidance documents. Several Workgroup members stated they were likely to raise alternatives which would codify as opposed to the ESO using guidance documents. A Workgroup member stated they do not feel that the “NESO Designation” should be included in this modification as it is not required as minimum viable product. Multiple Workgroup members stated they felt these changes would damage investor confidence.

An Authority Representative stated that they all Code changes and guidance will be reviewed by OFGEM, and relevant stakeholders will have a chance to raise their concerns.

### **Gate 1 Longstop Date**

The ESO shared a slide on what will replace the Gate 1 Capacity Holding Security. The longstop date is proposed to place a time limit between Gate 1 offer acceptance and Gate 2 offer acceptance, with a forward calculated date of 3 years, which the ESO has discretion to extend. The ESO clarified that the longstop date is being introduced to discourage projects from spending a long time in Gate 1, which has an impact on anticipatory network planning.

A Workgroup member asked what the difference was between transmission and distribution connected applications. The ESO stated that DFTC is only a forecast of future generation and not a contracted amount. Multiple Workgroup members stated they did not believe that 3 years was sufficient for larger projects, and that more than half of projects would have to extend their Gate 1 offer. Multiple Workgroup members stated that they felt Gate 1 may not be used in the way the ESO has intended, and that it may not hold value. A Workgroup member stated that the deadline should be for when the applicant meets the Gate 2 criteria, rather than when the ESO approves the application.

### **Dispute Process**

The ESO presented a set of slides on how the Dispute Process would work, such as a proposed timeline and a set of worked examples.

A Workgroup member asked why an applicant would go through this process rather than the current dispute process, the ESO stated that this process is intended to be a faster, less formal process, but that the current dispute process could be used if the applicant so desired. A Workgroup member asked if clerical errors are allowed to be cleared up using this process, the ESO stated that clerical issues can be cleared up using competency checks. Multiple Workgroup members asked for another deadline for changes to applications to be given, so that applicants can correct their applications for clerical errors. A Workgroup member asked for a shorter Gate window so that all applicants get the same amount of time to resolve their disputes.

### **Connection Point and Capacity Reservation Follow-Up**

The ESO presented a slide on bay reservation. The ESO noted that Gate 2 criteria would continue to apply to any project which is allocated a connection point (and capacity) which had previously been reserved, and that anything unallocated would be released for reallocation.

Multiple Workgroup members noted they would need more detail on bay reservation before their concerns could be fully addressed. A Workgroup member noted that this process seems like reservation is happening at or before Gate 1, and therefore the project could be seen to be skipping the queue.

These changes would require an STCP and maybe an STC change. A Workgroup member / STC Panel member noted how STCP changes differ from CUSC changes:

“For wider awareness on STC (SO/TO Code) governance - the STC consists of procedure documents ('STCPs') which elaborate the code's main body obligations into more granular day-to-day processes. The Panel typically approve STCP changes as these primarily relate to operational matters between the transmission licensees. For the last few years however, STCP mod proposers are required to consider the materiality of their changes and seek a Panel steer before they formally propose. Where Panel deem a change to be 'material' the proposer must request Ofgem's direction on the approval route (e.g. should Panel approve or Ofgem) before they formally propose the change.”

### **Query Log and Action Review**

The Chair noted the new actions to be added and that no actions were being closed after the Workgroup meeting.

### **Any Other Business**

The ESO has corrected the slides after a Workgroup member stated there was an earlier mistake. A Workgroup member asked for a consolidated set of slides showing how the ESO expects the modification to function. The Chair noted that the updated proposal within the consultation would provide the relevant information.

### Actions

Action number	Workgroup Raised	Owner	Action	Comment	Due by	Status
11	WG2	All	Add agenda time to respond to papers provided by Workgroup members	Ongoing	WG4	Open
13	WG2	ALL	Workgroup to propose what they think could change in their application between Gate 1 and Gate 2		TBC	Open
15	WG4	JH	Consider alignment of crown estate invitation to tender and auction timing		TBC	Open
16	WG5	RW/GL	Look into where STC changes for CNDM should be located within main body of STC and STCPs	Later WG		Open
17	WG5	FP	Are the duplication checks at Gate 2 against projects who are within the Gate 2 applicants pool of that period, Gate 2 applicants that are yet to accept their offer, or/and applicants who have accepted their Gate 2 offer	Later WG		Open
20	WG6	JN/AQ	Consider legal perspective on NESO designation		TBC	Open
21	WG6	MO	Update/develop slides presented based on Workgroup feedback		TBC	Open
22	WG6	JH	Consider if an impact assessment by the ESO on the proposed solution is achievable within the current timescales		TBC	Open
23	WG7	LH	Clarify the ESO Position as to why the capacity reallocation process is out of scope for CMP434		TBC	Open
24	WG7	MO	Consult ESO legal team to consider using existing legal definitions for clarification (substantial modification) and reconsider terminology being used (material/significant/allowable)		TBC	Open
25	WG7	LH/SG	Update on the Technology Change Policy Paper and		TBC	Open

			consider request to share prior to consultation		
26	WG7	SMEs	Provide a list of policy documents envisaged for TMO4+ and for which details are not within scope of CMP434 (e.g.CNDM). Also provide a list of their contents/principles the documents are using if not available for the WG consultation	TBC	Open
27	WG9	AP/KS	Take Workgroup feedback to ENA regarding the name of the DFTC methodology document – consider renaming to provide clarification	TBC	New
28	WG9	AP/KS	DFTC document – Provide answers to the following questions – Who approves the document, who can change it, who follows it and who can challenge it (the route to challenge specifically)	TBC	New
29	WG9	MO/AQ	In terms of the 3 year long stop cancellation of sites/capacity provide detail to what element of the CUSC is being referenced and how this is envisaged to work?	TBC	New
30	WG9	AQ	To explain how the dispute process will fit into the statutory approach (legal route)	TBC	New
31	WG9	MO	More detail requested by Workgroup to make a judgement on Connection Point and Capacity Reservation (including offshore)	TBC	New
32	WG9	MO	Clarify TO/ESO in terms of CNDM and what would get into the Gate 1 offer	TBC	New

**Attendees**

Name	Initial	Company	Role
Claire Goult	CG	Code Administrator, ESO	Chair
Lizzie Timmins	LT	Code Administrator, ESO	Chair
Andrew Hemus	AH	Code Administrator, ESO	Tech Sec
Stuart McLarnon	SM	Code Administrator, ESO	Tech Sec
Graham Lear	GL	ESO	Proposer
Joe Henry	JH	ESO	Proposer

Angela Quinn	AQ	ESO	ESO SME
Alison Price	AP	ESO	ESO SME
Holli Moon	HM	ESO	ESO SME
Michael Oxenham	MO	ESO	ESO SME
Lee Wilkinson	LW	Ofgem	Authority Representative
Liam Cullen	LC	Ofgem	Authority Representative
Alex Ikonic	AI	Orsted	Workgroup Member
Allan Love	AL	Scottish Power Transmission	Workgroup Member
Andy Dekany	AD	NGV	Workgroup Member
Anthony Cotton	AC	Green Generation Energy Networks Cymru Ltd	Workgroup Member
Barney Cowin	BC	Statkraft	Workgroup Member
Bill Scott	BS	Eclipse Power Networks	Workgroup Member
Brian Hoy	BH	Electricity North West Limited (ENWL)	Workgroup Member
Callum Dell	CD	Invenergy	Workgroup Member
Ciaran Fitzgerald	CF	Scottish Power Renewables	Workgroup Member
Claire Hynes	CH	RWE Renewables	Workgroup Member
Claire Witty	CW	Scottish Power Energy Networks	Workgroup Member
Ed Birkett	EB	Low Carbon	Workgroup Member
Garth Graham	GG	SSE Generation	Workgroup Member
Grant Rogers	GR	Qualitas Energy	Workgroup Member
Greg Stevenson	GS	SSEN Transmisson (SHET)	Workgroup Member
Hooman Andami	HA	Elmya Energy	Workgroup Member
Joe Colebrook	JC	Innova Renewables	Workgroup Member
Kyran Hanks	KH	CUSC Panel member	Workgroup Member
Luke Scott	LS	Northern Powergrid	Workgroup Member
Magdalena Paluch	MP	NGED	Workgroup Member
Mark Field	MF	Sembcorp Energy (UK) Limited	Workgroup Member
Mireia Barenys	MB	Lightsourcebp	Workgroup Member
Mpumelelo Hlophe	MH	Fred Olsen Seawind	Workgroup Member
Nina Sharma	NS	Drax	Workgroup Member
Phillip Addison	PA	EDF Renewables	Workgroup Member

Ravinder Shan	RS	FRV TH Powertek Limited	Workgroup Member
Richard Woodward	RW	NGET	Workgroup Member
Rob Smith	RS	Enso Energy	Workgroup Member
Sean Gauton	SG	Uniper	Workgroup Member
Zivanayi Musanhi	ZM	UK Power Networks	Workgroup Member