

Code Administrator Meeting Summary

Meeting name: CMP434 & CM095 Workgroup 21

Date: 03/09/2024

Contact Details

Chair: **Claire Goult** Claire.Goult@nationalgrideso.com

Proposer: **Ruby Pelling** ruby.pelling@nationalgrideso.com

Key areas of discussion

The key area in Workgroup 21 was to discuss the principles behind the draft legal text. The Chair noted quoracy and began the Workgroup.

Legal text progress

The ESO Legal representative advised that changes to section 2 of the CUSC will be minor and will point to methodologies where the majority of information will lay.

They also advised that CUSC section 6 would need changes to amend the processes, however these were not expected to be significant in volume.

ESO Legal advised that CUSC Section 17 is a new section that will be added to the CUSC, called "Gated Application and Offer Process". A Workgroup member asked if the Gate 1 and 2 processes would be explained at different sections, the Legal SME stated the process would be described generally for both Gates and then the document will explain how 1 and 2 are different.

The ESO Legal representative advised that they would undertake further work on the legal text prior to sharing it with the Workgroup, before the next Workgroup meeting.

A Workgroup member asked how confident the ESO is that this version of the legal text will interact properly with the methodologies and not require the legal text to be reworked. The ESO advised their aim is for the legal text and methodologies to work together.

Alternatives

A Workgroup member from RWE Renewables presented their Alternative. A Workgroup member asked how this Alternative differs from the ESO's proposal, and if it was concerned with forward vs backward facing milestones.

A Workgroup member from NGED presented their Alternative. This proposal was related to Element 12, stating that they don't believe they could pass on any new Embedded Generation data within 10 days of its submission, as they have 51 GSPs. A Workgroup member asked if NGED could have more resources to action these requirements as it could provide industry with great benefit. A Workgroup member stated that this Alternative and Alternative 8 should be combined.

A Workgroup member from Epsilon Generation presented their Alternative, but agreed to come back at a later date to speak when they had more information. Workgroup members stated they did not fully

understand this Alternative as it seemed like it could lead to projects being in the queue that were not fully committed to, or projects being altered so much that they are no longer the same project.

A Workgroup member from Innova Renewables presented their Alternative. This Alternative would seek to remove Element 9, Project designation, from the ESO’s proposal. The reason for this Alternative was concern that the ESO would use these designation powers to further projects that are not the best, most economical and quickest ones. Multiple Workgroup members supported this Alternative.

Workgroup members stated they did not want a vote on any Alternatives until they had more information on the methodologies.

Actions

Action 56 was discussed and will remain open until more information on Financial Instruments is provided.

Action 69 and 70 were closed.

Six new actions, 71-76, were added and were mostly concerned with providing more information on Alternatives. Action 76 was added as a Workgroup member asked to see an update on what the ESO thinks on technology change.

Next steps

Actions to be circulated to Workgroup members.

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
20	WG6	JN/AQ	Consider legal perspective on NESO designation	To remain open until legal text review 17/9	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
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)	To remain open until legal text review 17/9	TBC	Open
31	WG9	MO	More detail requested by Workgroup to make a judgement on Connection Point and Capacity Reservation (including offshore)	To remain open until legal text review 17/9	TBC	Open

35	WG10	AC/AQ	ESO to confirm whether additional uncertainty clauses (which have been appearing in offers recently) will remain		TBC	Open
38	WG11	MO	Updated Action: To expand on licence change conditions/obligations, including any suggested changes to the Licensed offer timescales	ESO not drafting licence text suggestions	TBC	Open
40	WG11	RF	To share licence changes programme timescales with Workgroup		TBC	Open
41	WG12	PM	To share analysis/feedback which informs the Gate 2 period offer acceptance to submission of application for Planning Consent		TBC	Open
43	WG16	DH/GL	Investigate whether changes are required to STCP 18-7 based on the CMP434 solution	Need to confirm as the CMP434 solution is now finalised.	ASAP	Open
49	WG17	MO	Updated action: SMEs to share a short summary of the methodologies and the underlying principles of this modification. This should include a plan for development of methodologies, including timescales and engagement with stakeholders.	Ongoing discussion with Ofgem	TBC	Open
50	WG18	AQ	Provide the ESO view on the legal position associated with Element 1 of the Proposal in the context of the Ofgem decision-making process on code change		TBC	Open
51	WG18	HM	Provide further explanation/evidence on the perceived flexibility / timing differences between changing the content of a methodology and changing the content of a code.		TBC	Open
53	WG18	DD/SG	Clarify whether developer requested changes within a Significant Modification Application could potentially be so significant that they result in an	Some requests could be so significant that, if accepted, the	TBC	Closed

			application having to be restarted or having the contract terminated, etc	project would not retain their contracted 'queue' position		
55	WG18	DD	Re-review consultation feedback specific to the ESO position on any Non-GB Projects (as consulted on within the WG Consultation) and either confirm that the position still remains unchanged or confirm new position to the Workgroup.	Ongoing	TBC	Open
56	WG18	MO	Confirmation of whether financial instruments will be raised as a separate modification.	Yet to be confirmed	TBC	Open
57	WG18	AQ	Consider Innova response and confirm whether ESO feels that Element 9 is consistent with Electricity Regulations in terms of discrimination.		TBC	Open
58	WG18	PM	Clarify whether anything in Proposal could allow the Gate 2 criteria to be amended and applied retrospectively i.e. with a Gate 2 project then no longer being a Gate 2 project, even where it is complying with its ongoing compliance obligations.		TBC	Open
59	WG19	PM	Element 11 – Produce examples to provide clarification to the Workgroup (slide 25) on how using installed capacity could work in practice	No update	TBC	Open
60	WG19	PM	Element 11 – Consider Workgroup Member request to provide analysis to show which projects could benefit from the Proposals (slide 26) to have a milestone adjustment ability for ESO e.g. where a developer asks for an earlier date and	No Update	TBC	Open

			gets a later date, or asks for and gets a later date (but this is due to a normal programme timescales e.g. mega projects) to avoid unintended outcomes.			
61	WG19	RPa/MO	Element 17 - To confirm BEGA application information i.e. in relation to what happens where a relevant small or medium EG project gets a different GSP to what they expected (as a result of the Gate 2 process and via the DNO) (Garths question)		TBC	Open
62	WG19	RPa	Element 17 – To provide a pictorial representation of BEGA/BELLA process as proposed	Update to be provided in WG22	TBC	Closed
63	WG19	Rpa	Element 17 – Create an additional swimlane/s for chevron diagram for BEGA/BELA	Update to be provided in WG22	TBC	Closed
64	WG20	Rpa	Element 17 - To produce prescribed timelines/timescales (Garths request as per slide 13) for both small and large	Update to be provided in WG22	TBC	Closed
66	WG19	MO	More information on timeline on CP30 plans/impacts to be shared once the are available (to compare to the code change programme, including voting timetable).		TBC	Open
67	WG20	PA/JI	Offline discussion regarding Alternative Request 3 proposal		TBC	Open
68	WG20	MO	Consider workshops to allow discussion time for forward looking milestones and expectations for planning		TBC	Open
71	WG21	AP	ESO to confirm whether in practice new GSPs (related to DNOs or Transmission connected iDNOs) will ever not have relevant EG	How the process would work for a GSP which has Demand and	TBC	New

			associated with them in future	Generation in the mix.	
72	WG21	TE/CH	Amend Alternative Request Proposal 22 and feedback to Workgroup	TBC	New
73	WG21	LH	Provide analysis/evidence of the impact of Alternative Request 23 (NGED) and consider Alternative ways of solving the issue e.g. more windows (PY comment)	TBC	New
74	WG21	LH/HS	Proposers of Alternative Requests 8 and 23 to liaise and consult on whether proposals may be merged	TBC	New
75	WG21	AQ/LH	RE – Alternative Request 23 - To consult legal teams as to whether a 10- or 20-day obligation is most appropriate within the CUCS or in the licence	TBC	New
76	WG21	MO	Provide Workgroup feedback to the ESO Policy and Change team on the absence of wider industry consultation on the Technology Change Guidance Paper	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
Ruby Pelling	RP	ESO	Proposer
Rory Fulton	RF	Ofgem	Authority Representative
Alison Price	AP	ESO	SME
Angela Quinn	AQ	ESO	SME
Michael Oxenham	MO	ESO	SME
Paul Mullen	PM	ESO	SME
Alex Ikonic	AI	Orsted	Workgroup Member

Allan Love	AL	SPT	Workgroup Member
Amy-Isabella Wells	AW	NGET	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
Claire Witty	CW	Scottish Power Energy Networks	Workgroup Member
Deborah MacPherson	DM	Scottish Power Renewables	Workgroup Member
Donald Fu	DF	NatPower Marine	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
Helen Stack	HES	Centrica	Workgroup Member
Hooman Andami	HA	Elmya Energy	Workgroup Member
Joe Colebrook	JC	Innova Renewables	Workgroup Member
Kyran Hanks	KH	CUSC Panel member	Workgroup Member
Laura Henry	LH	NGED	Workgroup Member
Luke Scott	LS	Northern Powergrid	Workgroup Member
Mireia Barenys	MB	Lightsourcebp	Workgroup Member
Mpumelelo Hlophe	MH	Fred Olsen Seawind	Workgroup Member
Paul Jones	PJ	Uniper	Workgroup Member
Paul Youngman	PY	Drax	Workgroup Member
Philip John	PJ	Epsilon Generation	Workgroup Member
Phillip Addison	PA	EDF Renewables	Workgroup Member
Ravinder Shan	RS	FRV TH Powertek Limited	Workgroup Member
Rob Smith	ROS	Enso Energy	Workgroup Member
Ross O Hare	RH	SSEN	Workgroup Member
Sam Aitchison	SA	Island Green Power	Workgroup Member
Simon Lord	SL	ENGIE	Workgroup Member

Tim Ellingham	TE	RWE Renewables	Workgroup Member
Zivanayi Musanhi	ZM	UK Power Networks	Workgroup Member
Zygimantas Rimkus	ZR	Buchan Offshore Wind	Workgroup Member