

CMP435 & CM096

Application of Gate 2 Criteria to existing contracted background

Workgroup Meeting 15, 22 August 2024

Online Meeting via Teams

WELCOME



Agenda

Topics to be discussed	Lead
Connections Update	SMEs
Timeline	Chair
Scene Setting – Workgroup 15	Proposer
Solution Update	SMEs
Actions Log	Chair
Any Other Business	Chair
Next Steps	Chair

Connections Update

Robyn Jenkins – Head of Connections Change Delivery

Timeline

Elana Byrne – ESO Code Administrator

Application of Gate 2 Criteria to existing contracted background – CMP435, CM096

Post Workgroup Consultation		
Workgroup 14	14/08/24	Consultation review of responses
Workgroup 15	22/08/24	Solution update
Workgroup 16	29/08/24	Finalise solution/Alternatives discussion
Workgroup 17	30/08/24	Finalise solution + Alternative Vote
Workgroup 18	04/09/24	Original legal text
Workgroup 19	12/09/24	WACM legal text
Workgroup 20	18/09/24	Finalise WG Report & ToR, WG vote
Workgroup Report to Panel	20/09/24	
Panel to agree whether ToR have been met	25/09/24	Special Panel
Post Workgroups		
Code Administrator Consultation	26/09/24 – 10/10/24	
Draft Final Modification Report to Panel	16/10/24	
Final Modification Report Panel Recommendation Vote	22/10/24	Special Panel
Final Modification to Ofgem	22/10/24	
Decision Date	13/12/24	
Implementation Date	01/01/25	

Workgroup 15 Scene Setting

Alice Taylor, Proposer

Meeting Objectives

What is the focus of the meeting?

- To explain the CMP435 changes to the Original proposal following working group consultation
- To explain the CM096 changes to the Original proposal following working group consultation

What is the ask of the Workgroup?

- Understand the headline changes proposed ahead of seeing more detail in further Workgroups
- Contribute to the discussion

What should not be discussed?

- CMP434/CM095 changes unrelated or inconsequential to the CMP435/CM096 solution
- Alternative requests

Solution Update

SMEs

Please note that proposed updates to the ICR workstream (CMP434 and CM095) are included in grey panels for context but the Workgroup is to discuss proposed updates for CMP435 and CM096 (in orange panels)

CMP434 Implementation Approach

What has changed?	Rationale	Potential Alternative Negation
Operational Go-Live Date to Change	Considerable feedback that timescales within implementation approach are not realistic. Plan to amend implementation approach timescales but exact planned programme and revised dates remain TBC. We are in discussions with Ofgem on programme and will share an update as soon as possible but in any case within the next one-to-two weeks.	No

CMP435 Implementation Approach

What has changed?	Rationale	Potential Alternative Negation
Operational Go-Live Date to Change	Considerable feedback that timescales within implementation approach are not realistic. Plan to amend implementation approach timescales but exact planned programme and revised dates remain TBC. We are in discussions with Ofgem on programme and will share an update as soon as possible but in any case within the next one-to-two weeks.	No

CMP434 Element 1 - Proposed Authority approved methodologies and ESO guidance

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What has changed?	Rationale	Potential Alternative Negation
No Change	<p>Whilst there was considerable feedback on our position on Methodologies, Codification and Guidance, we continue to feel that our position is the one which should be presented to Ofgem as part of the Original Proposal.</p> <p>We are in discussions with Ofgem on programme and will share an update as soon as possible but in any case within the next one-to-two weeks.</p>	No

CMP435 Element 1 - Proposed Authority approved methodologies and ESO guidance

What has changed?	Rationale	Potential Alternative Negation
No Change	<p>Whilst there was considerable feedback on our position on Methodologies, Codification and Guidance, we continue to feel that our position is the one which should be presented to Ofgem as part of the Original Proposal.</p> <p>We are in discussions with Ofgem on programme and will share an update as soon as possible but in any case within the next one-to-two weeks.</p>	No

CMP434 Element 3 - Clarifying which projects go through the Primary Process

What has changed?	Rationale	Potential Alternative Negation
No Change	General support for position. Some comments on Large Embedded Demand, but having reflected on that feedback we have not amended what we considered to be in-scope projects.	No

CMP435 Element 3 - Clarifying which projects go through the Gate 2 to WQ Process

What has changed?	Rationale	Potential Alternative Negation
No Change	General support for position. Some comments on Large Embedded Demand, but having reflected on that feedback we have not amended what we considered to be in-scope projects.	No

CMP434 Element 5 - Clarifying any Primary Process differences for customer groups

What has changed?	Rationale	Potential Alternative Negation
<p>LoA Equivalent for Offshore Projects may be a Letter of Acknowledgement rather than a Letter of Authority.</p> <p>In respect of I/Cs and OHAs, relevant changes in relation to approach i.e. longstop date, Gate 2 criteria, etc.</p>	<p>Based on feedback from Crown Estate.</p> <p>Based on feedback from Interconnector / OHA developers, and other developers of DCO projects, we have made changes which impact such developers, as set out across the other Elements.</p>	No

CMP435 Element 5 - Clarifying any Gate 2 to WQ differences for customer groups

What has changed?	Rationale	Potential Alternative Negation
<p>In respect of I/Cs and OHAs, relevant changes in relation to approach i.e. longstop date, Gate 2 criteria, etc.</p>	<p>Based on feedback from Interconnector / OHA developers, and other developers of DCO projects, we have made changes which impact such developers, as set out across the other Elements.</p>	No

CMP434 Element 7 - Fast Track Disagreement Resolution Process

What has changed?	Rationale	Potential Alternative Negation
No Change	Majority of stakeholders supported our general position and we did not identify a reason to amend our position as part of the MVP.	No

CMP435 Element 7 - Fast Track Disagreement Resolution Process

What has changed?	Rationale	Potential Alternative Negation
No Change	Majority of stakeholders supported our general position and we did not identify a reason to amend our position as part of the MVP.	No

CMP434 Element 8 - Longstop Date for Gate 1 Agreements

What has changed?	Rationale	Potential Alternative Negation
<p>Longstop Date Removed</p> <p>(This includes the removal of creating an obligation on the DNOs to include a Longstop date in their offers to embedded generators under Element 18.)</p>	<p>Whilst there was support for the proposed longstop date several issues were highlighted about its construction and application, and some challenged whether it should be part of the MVP.</p> <p>However, as a consequence of Gate 1 being optional (coupled with the above) we have decided to descope the concept of the longstop date for Gate 1 projects.</p> <p>Note however that we have replaced it with a similar concept in respect of Element 10, where there is still a strong need for protective arrangements.</p>	<p>No</p>

CMP435 Element 8 - Longstop Date for Gate 1 Agreements

What has changed?	Rationale	Potential Alternative Negation
<p>Longstop Date Removed</p> <p>(This includes the removal of creating an obligation on the DNOs to include a Longstop date in their offers to embedded generators.)</p>	<p>Whilst there was support for the proposed longstop date several issues were highlighted about its construction and application, and some challenged whether it should be part of the MVP.</p> <p>However, as a consequence of Gate 1 being optional (coupled with the above) we have decided to descope the concept of the longstop date for Gate 1 projects.</p> <p>Note however that we have replaced it with a similar concept in respect of Element 10, where there is still a strong need for protective arrangements.</p>	<p>No</p>

CMP434 Element 9 - Project Designation

What has changed?	Rationale	Potential Alternative Negation
Project Designation no longer applicable in respect of Gate 1 bypass route	Consequential Change (Gate 1 Optionality). Whilst there was considerable feedback on our position on the CNDM and codifying elements of this, we continue to feel that our position is the one which should be presented to Ofgem as part of the Original Proposal.	No

CMP435 Element 9 - Project Designation

What has changed?	Rationale	Potential Alternative Negation
No Change	Whilst there was considerable feedback on our position on the CNDM and codifying elements of this, we continue to feel that our position is the one which should be presented to Ofgem as part of the Original Proposal.	No

CMP434 Element 10 - Connection Point and Capacity Reservation

What has changed?	Rationale	Potential Alternative Negation
Potential greater use of Element 10 for projects submitting Gate 1 Applications and need to broaden potential usage in future	<p>Consequentially linked to Gate 1 process being optional, to continue to incentivise use of the Gate 1 Process by those most likely to benefit from Gate 1, a potential greater use of such arrangements.</p> <p>Consequentially linked to removal of longstop date, a bilaterally agreed minimum reservation time period (where reservation is for and contracted with a specific developer e.g. interconnectors and OHAs, rather than for a network requirement and being held by the ESO) with an annual review thereafter, to ensure reservation is not indefinite.</p>	No

CMP435 Element 10 - Connection Point and Capacity Reservation

What has changed?	Rationale	Potential Alternative Negation
Potential greater use of Element 10 for projects and need to broaden potential usage in future	<p>Consequentially linked to removal of longstop date, a bilaterally agreed minimum reservation time period (where reservation is for and contracted with a specific developer e.g. interconnectors and OHAs, rather than for a network requirement and being held by the ESO) with an annual review thereafter, to ensure reservation is not indefinite.</p>	No

CMP434 Element 11 (Gate 2 Criteria)

What has changed?	Rationale	Potential Alternative Negation
<p>No change re: Minimum Option length apart from to clarify that the evidence of land rights submitted at Gate 2 application must have/show a 3 year minimum option length (unless ESO discretion applied via the Gate 2 Criteria Methodology – see following slide)</p>	<p>Need a minimum option period - otherwise the Gate 2 criteria is too low</p>	<p>No</p>
<p>Projects that go down the DCO route have an alternative option for Gate 2 evidence within the Gate 2 Criteria Methodology i.e. submission of the application planning consent (<u>or other evidencable measure to be discussed with Workgroup</u>)</p>	<p>Mitigates the risk that developers who seek land rights later in their development process (e.g. they need to go through the DCO process to obtain land rights through the use of CPO powers) have an alternative (comparable, or more onerous) route to them meeting Gate 2 that aligns with their development strategy. (Ongoing compliance will need to also be adjusted.) We believe this choice is limited to DCO projects as it is only for DCOs where the planning process and land rights are more coupled.</p>	<p>No</p>

CMP434 Element 11 (Ongoing Compliance - Land)

What has changed?	Rationale	Potential Alternative Negation
<p>Confirm that land option will need to have a continued 3 year validity subject to the following exceptions:</p> <ul style="list-style-type: none">• Connection Date <3 years away; and/or• Evidence that having to have and/or maintain a 3 year validity detrimentally impacts development of the project (need to define what these exceptions are as part of the Gate 2 Criteria Methodology)	<p>Maintain that ongoing compliance of land rights is important to demonstrate project viability</p>	<p>No</p>

CMP434 Element 11 (Ongoing Compliance - Land)

What has changed?	Rationale	Potential Alternative Negation
<p>Red Line compliance calculation based on installed capacity (generation or demand) and not TEC.</p>	<p>TEC is contractual and does not generally align with the capacity of the assets being installed. Some sites will install greater generation capacity than TEC to, more efficiently, utilise limited network infrastructure.</p>	<p>No</p>
<p>Codify that (unless ESO discretion is applied) whatever installed capacity is built within the original red line boundary, only 50% of that number can then be located outside of the original red line boundary. Where this calculation results in a number that is less than the total installed capacity, the total installed capacity will be reduced accordingly, (and this may result in a TEC reduction).</p> <p>Therefore, Gate 2 ongoing compliance requirements would now be codified.</p>	<p>Prudent to codify requirement as consequence of non-compliance is a TEC reduction under CUSC.</p>	<p>Alternative 14 (CMP434) RLB Ongoing Compliance Codification</p>

CMP434 Element 11 (Ongoing Compliance - Planning)

What has changed?	Rationale	Potential Alternative Negation
<p>Timescales from Gate 2 Offer acceptance to forward looking M1</p>	<p>Agree with stakeholder feedback that the ESO's proposed forward-looking timescales are too short.</p>	<p>Does not fully negate Alternative 4 (CMP434) Backwards Looking M1 but the extended timescales are potentially a partial mitigation</p>
<p>Introduce milestone adjustment ability for ESO e.g. where a developer asks for an earlier date and 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.</p>	<p>Mitigates the risk of a developer having to submit their application for planning objectively too early in their development cycle.</p> <p>We noted from the stakeholder feedback there was a lot of support for a forward looking M1 milestone if the connection date is within ~6 years of the offer date to mitigate the risk for consent expiration and backward looking if >6/7 years away from the connection date. We see merit in this and our proposed solution factors in this principle but avoids setting a specific time period, which would represent a cliff edge and could also undermine forward-facing milestones by allowing developers to ask for and get a later connection date to avoid milestones.</p>	<p>Alternative 4 (CMP434) Backwards Looking M1</p>

CMP434 Element 11 (Ongoing Compliance - Planning)

Planning Type	ESO Proposal (at time of Workgroup Consultation), assuming some land and planning work are done in parallel	Typical timescales based on views of some Workgroup Members	ESO revised Proposal (based on Stakeholder feedback following Workgroup Consultation)
Town and Country Planning (England, Scotland and Wales)	1 year	1.5 years	2 years
Section 36 (England/Scotland)	1 year	1.5 years	3 years
Development of National Significance (Wales)	1.5 years	2 years	3 years
NSIP / DCO (England)	2 years	3 years	3 years
Offshore (including Interconnectors and OHAs)	n/a	n/a	5 years
Nuclear	n/a	n/a	Case by Case
Novel technologies	n/a	n/a	Case by Case

CMP435 Element 11 (Gate 2 Criteria)

What has changed?	Rationale	Potential Alternative Negation
<p>On CMP435 specifically, no material changes to what we proposed but important to clarify that even though no minimum option length, we still require evidence of land rights even if reached M1 or beyond (it is just that the option doesn't need a minimum length if entered into before Authority Decision Date).</p>	<p>Clarification to address some of the feedback from the Workgroup Consultation</p>	<p>No</p>

CMP434 Element 13 (Gate 2 Criteria Evidence Assessment)

What has changed?	Rationale	Potential Alternative Negation
Introduce right to check up to 100% of land rights	Addresses stakeholder concerns that underlying evidence may never be checked	No
We will carry out 100% of Duplication Checks (against projects in Gate 2)	Recognise that you need to do 100% checking to identify potential duplicates	No

Note that under our revised proposal we will still require self-declaration, evidence of land rights and red line boundary alongside the Gate 2 Application.

ESO propose to check/audit land rights for directly connected and large embedded projects and DNOs and Transmission connected iDNOs to check/audit all relevant small and medium embedded projects. ESO will also conduct duplication checks for all projects in totality – we need to define the process (e.g how any overlaps are investigated, what is and isn't an acceptable overlap, how we deal with co-located projects, consequences, appeals, etc) for inclusion within the code (in part i.e. to state that self-declaration can be checked up to 100% and projects can be removed through checks/audits) and (substantially) within the Gate 2 Criteria Methodology.

Checks to be done after the 'clock start date' (noting this concept is to change) and before the Gate 2 Offer release.

CMP435 Element 13 (Gate 2 Criteria Evidence Assessment)

What has changed?	Rationale	Potential Alternative Negation
As well as advancement, can request TEC Reduction	Prudent to allow this to address the scenario where a site cannot get sufficient land to meet their TEC.	No

CMP435 Element 13 (Gate 2 Criteria Evidence Assessment)

- A Self-Declaration Letter, which must be signed by a Director of the developer applying and this letter must show the following (updates in red text that apply to CMP434 and CMP435; updates in blue text that apply to CMP435 only):
 - The date the project achieved the Gate 2 criteria (i.e. the date they actually secured the requisite land rights).
 - Do you wish to advance current contracted connection date and if so to which connection date?
 - Do you wish to reduce current Transmission Entry Capacity and if so to what number?
 - Preferred connection point location
 - The red line boundary (including site address/co-ordinates) for the project site upon which the project will be located and confirmed to meet or exceed the minimum land density requirements (as per the ESO's Energy Land Density Table introduced by CMP427).
 - The land status information; i.e. whether all or some of land is already owned or leased (for the operational life of the project), or whether an option agreement is in place in respect for a lease or purchase of the land.
 - If not already owned/leased, the parameters of length of option agreement in respect of lease or purchase.
 - (If applicable) the parameters of the length of the lease (and that this or any extension will cover the operational life of the project).
 - ~~A statement that to the Director's best knowledge, no-one else has any rights over the land (for the purposes of energy) and that it does not overlap in relation to mutual exclusive usage.~~
 - Statement that to the Director's best knowledge, the developer is not applying for both transmission and distribution with the same land.
 - Explain any known overlaps
 - Intended planning regime to be followed
 - Please indicate if previously provided evidence of meeting Queue Management Milestones and if so when?

CMP434 Element 14 - Gate 2 Offer and Project Site Location Change

What has changed?	Rationale	Potential Alternative Negation
<p>Removed the proposed 12 month window after acceptance of Gate 2 offer to move project site location</p>	<p>Consultation feedback that the 12 month period for location change was too short, and that it was not straightforward for certain technology types to move to a nearby site (e.g. onshore wind where energy yield assessments are site specific).</p> <p>As there is no suitable and technology agnostic time period or alternative that can be applied, we have decided to descope as anything more complex would not be considered MVP.</p>	<p>Alternative 16 (CMP434) Remove element 14</p> <p>Alternative 3 (CMP435) Remove element 14</p>

CMP435 Element 14 - Gate 2 Offer and Project Site Location Change

What has changed?	Rationale	Potential Alternative Negation
<p>Removed the proposed 12 month window after acceptance of Gate 2 offer to move project site location</p>	<p>Consultation feedback that the 12 month period for location change was too short, and that it was not straightforward for certain technology types to move to a nearby site (e.g. onshore wind where energy yield assessments are site specific).</p> <p>As there is no suitable and technology agnostic time period or alternative that can be applied, we have decided to descope as anything more complex would not be considered MVP.</p>	<p>Alternative 16 (CMP434) Remove element 14</p> <p>Alternative 3 (CMP435) Remove element 14</p>

CMP434 Element 16 - Introducing the proposed Connections Network Design Methodology (CNDM)

What has changed?	Rationale	Potential Alternative Negation
No Change	Whilst there was considerable feedback on our position on the CNDM and codifying elements of this, we continue to feel that our position is the one which should be presented to Ofgem as part of the Original Proposal.	No

CMP435 Element 16 - Introducing the proposed Connections Network Design Methodology (CNDM)

What has changed?	Rationale	Potential Alternative Negation
No Change	Whilst there was considerable feedback on our position on the CNDM and codifying elements of this, we continue to feel that our position is the one which should be presented to Ofgem as part of the Original Proposal.	No

CMP435 Element 19 – Contractual Changes

What has changed?	Rationale	Potential Alternative Negation
Implementation Approach Timescales and Impact on Contractual Changes	<p>Considerable feedback that timescales within implementation approach are not realistic. Plan to amend implementation approach timescales but exact planned programme and revised dates remain TBC. We are in discussions with Ofgem on programme and will share an update as soon as possible but in any case within the next one-to-two weeks.</p> <p>Once the above is known we can then update and share the Contractual Changes timescales (and so the Green Swim-Lane within the Chevron Diagram).</p>	No

NOTE: We are continuing to discuss whether we amend the Proposal to move to AtVs to change projects to Gate 1 projects rather than relying on changes to CUSC. We may still make this change and if so it could negate a potential alternative. We will confirm this as soon as possible.

CMP435 Element 20 – Cut-Over Arrangements

What has changed?	Rationale	Potential Alternative Negation
Implementation Approach Timescales and Impact on Cut-Over Arrangements	<p>Considerable feedback that timescales within implementation approach are not realistic. Plan to amend implementation approach timescales but exact planned programme and revised dates remain TBC. We are in discussions with Ofgem on programme and will share an update as soon as possible but in any case within the next one-to-two weeks.</p> <p>Once the above is known we can then update and share the Cut-Over Arrangements timescales (and so the Green Swim-Lane within the Chevron Diagram).</p>	No

CM095 Implementation Approach and Components

What has changed?	Rationale	Potential Alternative Negation
Operational Go-Live Date to Change	Considerable feedback that timescales within implementation approach are not realistic. Plan to amend implementation approach timescales but exact planned programme and revised dates remain TBC. We are in discussions with Ofgem on programme and will share an update as soon as possible but in any case within the next one-to-two weeks.	No
Component A - Change to Primary Process within Elements 2, 6 and 12, and Element 5 and 17	Changes to Gate 1 and Gate 2 Process and removal of DFTC simplify changes in relation to STC.	No
Component B - No Change	As no change to Element 16.	No
Component C - Potential Broader Usage	As changes to Element 10 which impact of legal text relative to previous proposals.	No

CM096 Implementation Approach and Components

What has changed?	Rationale	Potential Alternative Negation
Operational Go-Live Date to Change	Considerable feedback that timescales within implementation approach are not realistic. Plan to amend implementation approach timescales but exact planned programme and revised dates remain TBC. We are in discussions with Ofgem on programme and will share an update as soon as possible but in any case within the next one-to-two weeks.	No
Component A - Change to Primary Process	Changes to Gate 2 to WQ Process (as above).	No

Actions Log

Elana Byrne – ESO Code Administrator

<u>Action number</u>	<u>Workgroup Raised</u>	<u>Owner</u>	<u>Action</u>	<u>Comment</u>	<u>Due by</u>	<u>Status</u>
20	WG3	RW, AT	TOs and ESO meeting needed to discuss data available to review capital contributions for 2024	Position on capital contribution was shared and then set out in WG Consultation. (Further discussion may be required in future)	Ongoing	Propose to close
21	WG3	AC/FP	When considering transitional arrangements, include guidance for staged projects	To be covered in more detail under Phase 2	Ongoing	Open
34	WG5	Code Gov, Proposers, SME	Assess the agenda for 16 July (considering time needed to review consultation responses)	N/A	Ongoing	Propose to close
36	WG5	Angie	Statement from ESO as to the CAP150 powers and how they are applied /can be applied re: ongoing compliance (include link to CAP150 info on ESO website)	Any necessary amends to the CAP150 provisions (as a result of ongoing RLB compliance proposals) will be set out in legal text for future discussion.	Ongoing	Propose to close
42	WG6	LH	Check with legal as to the clock start dates for new applications considering the point of implementation after an Authority decision (is 15th of November date is legally acceptable as the Gate 1 process only comes to existence 10 Working days after Authority decision?)		Ongoing	Open
44	WG6	RM	Confirmation about whether NESO designation applications, decisions and decision rationales would be published.	Obligations to publish are TBC and would need to be set out in future within licence and/or methodology.	Ongoing	Propose to close

<u>Action number</u>	<u>Workgroup Raised</u>	<u>Owner</u>	<u>Action</u>	<u>Comment</u>	<u>Due by</u>	<u>Status</u>
55	WG8	PM	Forward looking milestones illustrative examples for staged offers (same and different technologies).	Worked examples annexed to CMP434 Workgroup Consultation	Ongoing	Propose to close
56	WG8	MO	Clarification with legal regarding guidance and introduction of any new obligations.		Ongoing	Open
57	WG8	MO	ESO set out the processes and timing for determining liability and security for April 2025 and October 2025.	The position was clarified in the Workgroup and set out in Workgroup Consultation.	Ongoing	Propose to close
59	WG8	MO	Provide WG with the list of documents outside the mod, the principles for guidance docs and timelines for the development of methodology documents.		Ongoing	Open
60	WG8	RP	(Replacement for action 35) Provide relevant updates from SCG	Kyle Smith to provide verbal update on TM04+ Impact Group emerging thinking	Ongoing	Open
61	WG8	PM	(Amendments to action 52) ESO to confirm intention for % evidence checks vs 100% checks for CMP376.	Introducing right to do 100% checks	WG10	Propose to close
62	WG8	PM	ESO to enquire with Ofgem about them setting % evidence check level.	Introducing right to do 100% checks	Ongoing	Propose to close
65	WG9	FS	ESO to look into the data checks between D + T by ESO (data transfer) for criteria/duplication	100% duplication checks; format on how D tell T to be confirmed but not part of 435 Mod	Ongoing	Propose to close

<u>Action number</u>	<u>Workgroup Raised</u>	<u>Owner</u>	<u>Action</u>	<u>Comment</u>	<u>Due by</u>	<u>Status</u>
66	WG9	PM	Self cert letter to ask for explicit declaration if applying for Gate 2 via Distribution and Transmission routes (re duplication checks)	Provided an updated list of what is intended to be included in the self-certification letter	Ongoing	Propose to close
72	WG9	RM/JH	Workgroup request appendix/annex re: transmission connection queue – how many projects impacts re diff tech and dates + information on the RFI for the consultation (majority/minority party)	Ongoing and being considered	Ongoing	Open
74	WG10	PM/GG/RW	To consider wider context of projects for Gate 2 criteria and implementation aspects to map project types and considerations for ‘minimum options’ suggestions/proposal	Note that GG was to share the example in (a diagrammatical form) that he was referring to in WG10 as difficult to visualise the scenario - this action is a post WG Consultation action		Open
77	WG10	MO	Consider how to treat requests to reduce capacity for existing contract projects	Position updated in WG15.		Propose to close
78	WG10	AC	Explore difference between treatment of mod app fees vs expression of interest from 5 point plan	The TWR / CPA was a one off project as part of the 5 point plan. This is an on going process and as such when a customer makes a request for a change to their agreement such as a change of date then a mod app fee is applied due to the studies required to see if the requested change can be facilitated, this is the same.		Open
79	WG10	MO	Develop a diagram for consultation for alignment of methodologies’ timings vs the modifications	Post Workgroup Consultation		Open
80	WG10	MO	Provide further clarity on the nature of the projects designated in 2025, and separately those projects would have reserved capacity.	Further clarity will be provided on designation once draft methodology is available. No further clarity available at this stage in relation to capacity reservation.		Open

<u>Action number</u>	<u>Workgroup Raised</u>	<u>Owner</u>	<u>Action</u>	<u>Comment</u>	<u>Due by</u>	<u>Status</u>
82	WG11	MO	To update whether/when/what information from RFI will be published	Further data requested	WG14	Open
83	WG11	MO	To update WG on securities for offers (re: small/med embedded generators)			Open
84	WG11	PM/HS	To discuss how to make Offshore projects holding offers in scope of the modification	Ongoing discussions between Connections and Offshore Coordination team and have spoken to Helen		Open
85	WG11	GS	Comeback to WG with Justification on proposals on exempting mod apps from implementation date			Open
86	WG11	MO	Check on use of specific provisional dates for the indicative timeline and add additional text for clarity on what action is needed from users and consequences	Completed for inclusion in the Workgroup Consultation		Propose to close
87	WG11	MO	Explore how offers referred to Ofgem are dealt with	Ofgem offer referrals process unchanged by Proposal - CNDM will need to account for any referred offers in relation to combined Gate 1 and Gate 2 process e.g. by assuming it is to be signed until the referral process outcome is known.		Propose to close
88	WG14	EB	Email to be shared with Workgroup from CMP434/CM096 compiling emails received about timelines.		w.c. 19 Aug	Open
89	WG14	MO	STC solution to expand on intended process and contract changes (particular importance for TOs)		Ongoing	Open
90	WG14	EB	Summary slides for the Workgroup Consultation responses are to be updated		w.c. 19 Aug	Open
91	WG14	EB	Timings for sharing Alternatives with the Workgroup to be clarified	ESO has been discussing certain submissions with potential Proposers which has impacted whether some progress. Latest submissions to be shared 21.08	w.c. 19 Aug	Open

<u>Action number</u>	<u>Workgroup Raised</u>	<u>Owner</u>	<u>Action</u>	<u>Comment</u>	<u>Due by</u>	<u>Status</u>
92	WG14	EB	Code Governance to check the codified requirements for Workgroup attendance of voting Workgroup members	50%+ attendance does feature in the ToR for Workgroup Vote	Ongoing	
93	WG14	MO	Update on the pathway of modifications in relation to the wider Reform package	ESO general update from Robyn Jenkins in WG15.	Ongoing	Propose to close

Any Other Business

Elana Byrne– ESO Code Administrator

Next Steps

Elana Byrne – ESO Code Administrator

Raising an Alternative Request Information

What is the Alternative Request?

What is an Alternative Request? The formal starting point for a Workgroup Alternative Modification to be developed which can be raised up until the Workgroup Vote.

Who can raise an Alternative Request? Any CUSC Party, BSC Party, the Citizens Advice or the Citizens Advice Scotland may (subject to Paragraph 8.20.20) raise a Workgroup Consultation Alternative Request in response to the Workgroup Consultation. If you are not a CUSC Party, but are nominated by a CUSC Schedule 1 Party, please submit a statement in writing from the nominating party to confirm submission of the Alternative Request on their behalf. No Workgroup Consultation Alternative Request may be raised by any CUSC Party during any second or subsequent Workgroup Consultation.

What do I need to include in my Alternative Request form? The requirements are the same for a Modification Proposal you need to articulate in writing:

- a description (in reasonable but not excessive detail) of the issue or defect as outlined in the Original Proposal which the alternative seeks to address compared to the current proposed solution(s);
- the reasons why you believe that the proposed alternative request would better facilitate the Applicable Objectives compared with the current proposed solution(s) together with background information;
- where possible, an indication of those parts of the Code which would need amending in order to give effect to (and/or would otherwise be affected by) the proposed alternative request and an indication of the impacts of those amendments or effects; and
- where possible, an indication of the impact of the proposed alternative request on relevant computer systems and processes.

How do Alternative Requests become formal Workgroup Alternative Modifications? The Workgroup will carry out a Vote on Alternatives Requests. If the majority of the Workgroup members or the Workgroup Chair believe the Alternative Request will better facilitate the Applicable Objectives than the current proposed solution(s), the Workgroup will develop it as a Workgroup Alternative Modification.

Who develops the legal text for Workgroup Alternative Modifications? ESO will assist Proposers and Workgroups with the production of draft legal text once a clear solution has been developed to support discussion and understanding of the Workgroup Alternative Modifications.

Voting Information

What is the Alternative Vote?

To participate in any votes, Workgroup members need to have attended at least 50% of meetings. The vote shall be decided by simple majority of those present at the meeting at which the vote takes place (whether in person or by teleconference)

Stage 1 – Alternative Vote

- Vote on whether Workgroup Alternative Requests should become Workgroup Alternative CUSC/ STC Modifications.
- The Alternative vote is carried out to identify the level of Workgroup support there is for any potential alternative options that have been brought forward by either any member of the Workgroup OR an Industry Participant as part of the Workgroup Consultation.
- **Should the majority of the Workgroup OR the Chair believe that the potential alternative solution may better facilitate the CUSC/ STC objectives than the Original then the potential alternative will be fully developed by the Workgroup with legal text to form a Workgroup Alternative CUSC modification (WACM)/ STC modification (WASTM) and submitted to the Panel and Authority alongside the Original solution for the Panel Recommendation vote and the Authority decision.**

What is the Workgroup Vote?

To participate in any votes, Workgroup members need to have attended at least 50% of meetings. The vote shall be decided by simple majority of those present at the meeting at which the vote takes place (whether in person or by teleconference)

Stage 2 – Workgroup Vote

- 2a) Assess the original and Workgroup Alternative (if there are any) against the relevant Applicable Objectives compared to the baseline (the current code)
- 2b) Vote on which of the options is best.

Alternate Requests cannot be raised after the Stage 2 – Workgroup Vote

Voting Eligibility (prior to WG15)

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](#)

All Workgroup members are eligible to vote if they (or a declared alternate) have attended 50%+ of meetings to date.

Red = not currently eligible.

Role	Name	Company	Industry Sector	Eligibility to Vote
Proposer	Alice Taylor	ESO	System Operator	100%
Workgroup Member	Andy Dekany	NGV	Interconnector	100%
Workgroup Member	Antony Cotton	Energy Technical & Renewable Services Ltd	Other - not disclosed	100%
Workgroup Member	Barney Cowin	Statkraft	Generator	85%
Workgroup Member	Callum Dell	Invenergy	Generator	57%
Workgroup Member	Charles Deacon	Eclipse Power Solutions	Network Operator	71%
Workgroup Member	Charles Edward Cresswell	Cero Generation	Generator	7%
Workgroup Member	Claire Hynes	RWE Renewables	Generator	92%
Workgroup Member	Deborah MacPherson	Scottish Power Renewables	Generator	85%
Workgroup Member	Ed Birkett	Low Carbon	Generator	100%
Workgroup Member	Gareth Williams	Scottish Power Transmission	Onshore Transmission Licensee	100%
Workgroup Member	Garth Graham	SSE Generation	Generator	100%
Workgroup Member	Grant Rogers	Qualitas Energy	Generator	57%
Workgroup Member	Greg Stevenson	SSEN Transmission (SHET)	Onshore Transmission Licensee	100%
Workgroup Member	Helen Snodin	Fred Olsen Seawind	Generator	92%
Workgroup Member	Hooman Andami	Elmya Energy	Generator	64%
Workgroup Member	Jack Purchase	NGED	Network Operator	100%

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All Workgroup members are eligible to vote if they (or a declared alternate) have attended 50%+ of meetings to date.

Red = not currently eligible.

Role	Name	Company	Industry Sector	Eligibility to Vote
Workgroup Member	Joe Colebrook	Innova Renewables	Generator	71%
Workgroup Member	Jonathan Wood	Tarchon Energy	Interconnector	14%
Workgroup Member	Jonathon Lee Hoggarth	EDF Renewables Ltd	Generator	85%
Workgroup Member	Kyran Hanks	WWA Ltd	CUSC Panel Member	78%
Authority Representative	Liam Cullen / Salvatore Zingale	Ofgem	-	N/A
Workgroup Member	Mark Field	Sembcorp Energy (UK) Limited	Legal, Regulation and Compliance	85%
Workgroup Member	Michelle MacDonald Sandison	SSEN	Network Operator	78%
Workgroup Member	Niall Stuart	Hutcheson Associates (Nominated on behalf of Buchan Offshore Wind)	Consultancy	92%
Workgroup Member	Nirmalya Biswas	Northern Powergrid	Network Operator	100%
Workgroup Member	Paul Jones	Uniper	Generator	100%
Workgroup Member	Paul Youngman	Drax	Generation/Supply	100%
Workgroup Member	Pedro Javier Rodriguez	Lightsourcebp	Generator	92%
Workgroup Member	Philip John	Epsilon Generation	Generator	7%
Workgroup Member	Phillip Robinson	ITPEnergised	Other – not disclosed	28%
Workgroup Member	Ravinder Shan	FRV TH Powertek Limited	Generator	100%
Workgroup Member	Richard Woodward	NGET	Onshore Transmission Licensee	92%
Workgroup Member	Rob Smith	Enso Energy	Generator	100%

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

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All Workgroup members are eligible to vote if they (or a declared alternate) have attended 50%+ of meetings to date.

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Red = not currently eligible.

Role	Name	Company	Industry Sector	Eligibility to Vote
Workgroup Member	Ross Thompson	UK Power Networks	Network Operator	100%
Workgroup Member	Sam Aitchison	Island Green Power	Developer	64%
Workgroup Member	Samuel Railton	Centrica	Generator	92%
Workgroup Member	Steffan Jones	Electricity North West Limited (ENWL)	Network Operator	92%
Workgroup Member	Wendy Mantle	Scottish Power Energy Networks	Network Operator	92%

Regarding STC – no alternatives have been raised for CM096. Should an alternative be raised, voting eligibility will be calculated.
Currently all Workgroup Members for STC have voting eligibility.