**CUSC SECTION 17**

**GATED APPLICATION AND OFFER PROCESS**

**Contents**

**Introduction**

**17.1** This Section explains the processes for making **Applications** and **Offers** that fallunder the **Gated Application and Offer Process**.

**17.2** This **Gated Application and Offer Process** will first apply from the [**CMP434 “Go Live” Date**].

**17.3** **CUSC** contains processes for **Applications** and **Offers** and the **Gated Application and Offer Process** replaces those where the **Applications** are **Gated Applications**. As a consequence, where the **Application** is a **Gated Application** the **Offer** and **Acceptance** processes and timelines shall be replaced (as noted in the relevant **CUSC** Sections) with this **Gated Application** **and** **Offer Process**.

**17.4** The **Gated Application and Offer Process** comprises of the following steps [and is shown for information in the attached diagram]:

* **Gated Application Window**
* **Gated Design Process**
* **Offer**

and after the **First Gated Application and Offer Process Run** will be run by **The Company** [atthe frequency and duration provided for in the **ESO Licence/Connection Network Design Methodology]** [by publishing the details of this [at least x in advance of it being opened?] on **The Company’s** website].

**17.5 Gated Applications**

The following have to follow the **Gated Application and Offer Process**:

**17.5.1** An application for a **New Connection Site** (including a **Grid Supply Point**). This does not include an application for such **New Connection Site** by an owner/operator of a **Distribution System** where the application is not associated with **Embedded Generation**.

**17.5.2**  A new application for a **Bilateral Embedded Generation Agreement** regardless of the size of the **Embedded Power Station**/.

**17.5.3** A new application for a **BELLA**.

**17.5.4** The submission of a **Confirmation of Project Progression** under **CUSC** Section 6 Paragraph 6.5.5 or request for a **Transmission Impact Assessment** under **CUSC** Section 6 Paragraph 6.5.8 **[**each of which aretreated as a **Modification Application** by the owner/operator of a **Distribution System** for the purposes of **CUSC** Section 6.9].

**17.5.5** A **Modification Application** (in addition to those referred to in Paragraph 17.5.4) to any **Gate 2 Agreements** or (where they provide for **Reservation**) any **Gate 1 Agreements** which is determined by **The Company** in accordance with the [**Gated Modification Guidance**] to be a **Gated Modification Application** and so has to follow the **Gated Application and Offer Process**.

**17.6 Gated Application Window**

**17.6.1** **Gated Applications** can be madeat any time within (or in the case of an [**Distribution** **EG Related Application**] up to 10 **Business Days** after the closure of) the specific period identified for this within the **Gated Application Window** for assessment in the following **Gated Design Assessment**.

**17.6.2 Gated Applications** for a **New Connection Site** or **Applications** for a **BEGA** for a **Large Embedded Power Station** or **BELLA** can, at the **Applicant’s** choice, be made on the basis of a **Gate 1 Application** or(initially or subsequently a) **Gate 2 Application** provided the **Gate 2 Criteria** is met.

**17.6.3** A **Gate 1 Application** for a **BEGA** for a **Large Embedded Power Station** or **BELLA** can be made at any time. Unlike a **Gate 2 Application** for a **BEGA** or BELLA, the owner/operator of the **Distribution System** will not be notified by **The Company** of such a **Gate 1 Application**.

**17.6.4** A **Gate 2 Application** for a **BEGA** and **BELLA** can be made at any time but will not progress as a **Gate 2 Application** until and within the **Gated Application Window** in which the [**Distribution** **EG Related Application**] is made. [The owner/operator of the **Distribution System** will in the usual manner be notified of the **Gate 2 Application** for a **BEGA** or **BELLA** **Application** by **Modification Notice** and will use reasonable endeavours to submit the [**Distribution** **EG Related Application**] in the next available **Gated Application Window** after that notification.]

**17.6.5** Other than as expressly noted above, a **Gate 1 Application** or **Gate 2 Application** can only be made in the **Gated Application Window**.

**17.6.6** To be an effective **Gated Application**,the **Gated Application** will need to be technically competent and fee paid as provided for in the respective application form and in the case of a **Gate 1 Application** for a **New Connection Site** meet the **Letter of Authority** or a **Letter of Acknowledgment.** In the case of a **Gate 2 Application** for a **BEGA** or **BELLA** both those and the **Distribution EG Related Application** have to be effective. Any applications not confirmed to be effective by the end of the **Gated Application Window** will not be able to progress to the **Gated Design Assessment** in that **Gated Application and Offer Process Run.**

**17.6.7** A **Gate 2 Application** must also meet the requirements within the **Gate 2 Criteria.**

**17.7 Gate 2 Criteria**

**17.7.1** The **Gate 2 Criteria**,the process of evidencing and confirming that it has been met (and what is required) from a **Gated Applicant** in respect of this is set out in the [**Gate 2 Criteria Methodology]**.

**17.7.2**  A **Gate 2 Application** for a **New Connection Site**, **BEGA** for a **Large Embedded Power Station** or **BELLA** shall include the **Declaration** in respect of the **Gated Applicant’s** project as required in accordance with the [**Gate 2 Criteria Methodology].**

**17.7.3** A **Gate 2 Application** for a **Distribution EG Related Application** in respect of [small and medium] **Embedded Generation** (including where they have a **BEGA)** shall include the **Declaration** in respect of the **Embedded Generation** project as required in accordance with the **[Gate 2 Criteria Methodology].**

**17.8 Ongoing Compliance with the Original Red Line Boundary**

There are particular requirements for ongoing compliance with the **Original Red Line Boundary** and theseare set out inthe **Queue Management Process.**

**17.9 Checking of the Declarations**

**17.9.1** Whilst certain initial checks on any **Declaration** provided will be undertaken by **The Company** for the purposes of initially allowing a **Gate 2 Application** to progress to the **Gate 2 Design Process**, further checks will be undertaken as follows in the initial stages of the **Gated Design Process**:

* + - 1. **The Company** shall undertake a more detailed check on all the **Declarations** (other than as they relate to evidence of secured land rights)provided although in the case of **Distribution ER Related Applications** (other than in respect of a **BEGA** for a **Large Embedded Power Station** or **BELLA)** it is expected that this will be undertaken by the owner/operator of the **Distribution System.**
      2. **The Company** shall at its discretion check the evidence provided in the **Declarations** regarding secured land rights in that **Gated Application Window** against any other **Gate 2 Applications** in that **Gated Application Window** or any **Gate 2 Agreements** accepted under an earlier **Gated Application and Offer Run**. Where duplications are identified we will contact the parties.

**17.9.2** Following this check **The Company** will advise the **Gated Applicant** whether the **Gate 2 Criteria** has been met and if not confirm that a **Gate 2 Offer** is not going to be issued and:

* + - 1. the **Gate 2 Application** shall be considered as withdrawn and the **Gated Applicant** shall be offered, if it chooses, an alternative of a **Gate 1 Offer**.
      2. Any dispute between **The Company** and the **User** as to whether the **Gate 2 Criteria** has been met shall be treated as an **Other Dispute** in accordance with **CUSC** Section 7.
  1. **Gated Design Process**

The **Gate 2 Applications** will beprocessed in accordance with the **[Connection Network Design Methodology]** and the **[Designation Methodology]**.

**17.11** The outcome of the **Gated Application and Offer Process** is a **Gate 1 Offer** or, provided the **Gate 2 Criteria** is met, a **Gate 2 Offer** as appropriate.

**17.12 Gate 1 Offer**

**17.12.1** A **Gate 1 Offer** shall be provided by **The Company** as soon as practicable within the **Gated Design Process**. Where a **Gate 1 Offer** includes **Reservation** that will be provided later in the **Gated Design Process**, given the design involved, than one which does not.

**17.12.2** A **Gate 1 Offer** shall be provided in the **CUSC** form relevant to the **Gated Application** but will not have the full details in the Appendices and will include the **Gate 1 Conditional Clause**, the effect of which is to make all the rights and obligations conditional until a **Gate 2 Offer** is accepted. A connection location and date will be provided but only on an indicative basis and the connection date and location will only be confirmed (with all the other details) in a **Gate 2 Offer** following a **Gate 2 Application**.

**17.12.3** There is an exception to Paragraph 17.12.2 where in assessing an application for a **New Connection Site** **Reservation** has been applied by **The Company**. In that case, whilst the rights and obligations remain conditional, the connection date and connection location of, as appropriate, the **Connection Site** or **Transmission Interface Site** may be provided and identified in the **Gate 1 Offer** on a confirmed basis subject to a **Gate 2 Offer** being accepted by the **Applicant** in the timescales specified in the **Gate 1 Offer**.

**7.13** **Gate 2 Offer**

**7.13.1** Any **Gate 2 Offers** shall be provided by **The Company**, [within x of the end of] the **Gated Design Process]** [in the timescales for such **Gate 2 Offers** specified in the **ESO Licence**].

**7.13.2** A **Gate 2 Offer** shall be made in the **CUSC** form relevant to the **Gated Application** andprovide a connection date and location and the **Construction Works** and **Construction Programme** in respect of this.

**7.13.3** If the **Gated Applicant** has already accepted a **Gate 1 Offer**, the **Gate 2 Offer** will remove the effect of the **Gate 1 Conditional Clause** and on acceptance the rights and obligations (including in respect of **Cancellation Charges** or **Final Sums** and the **Queue Management Process**) will apply.

End of Section 17