

Public

# CMP434 and CM095 Implementing Connections Reform

Workgroup Meeting 29,  
14 October 2024  
Online Meeting via Teams

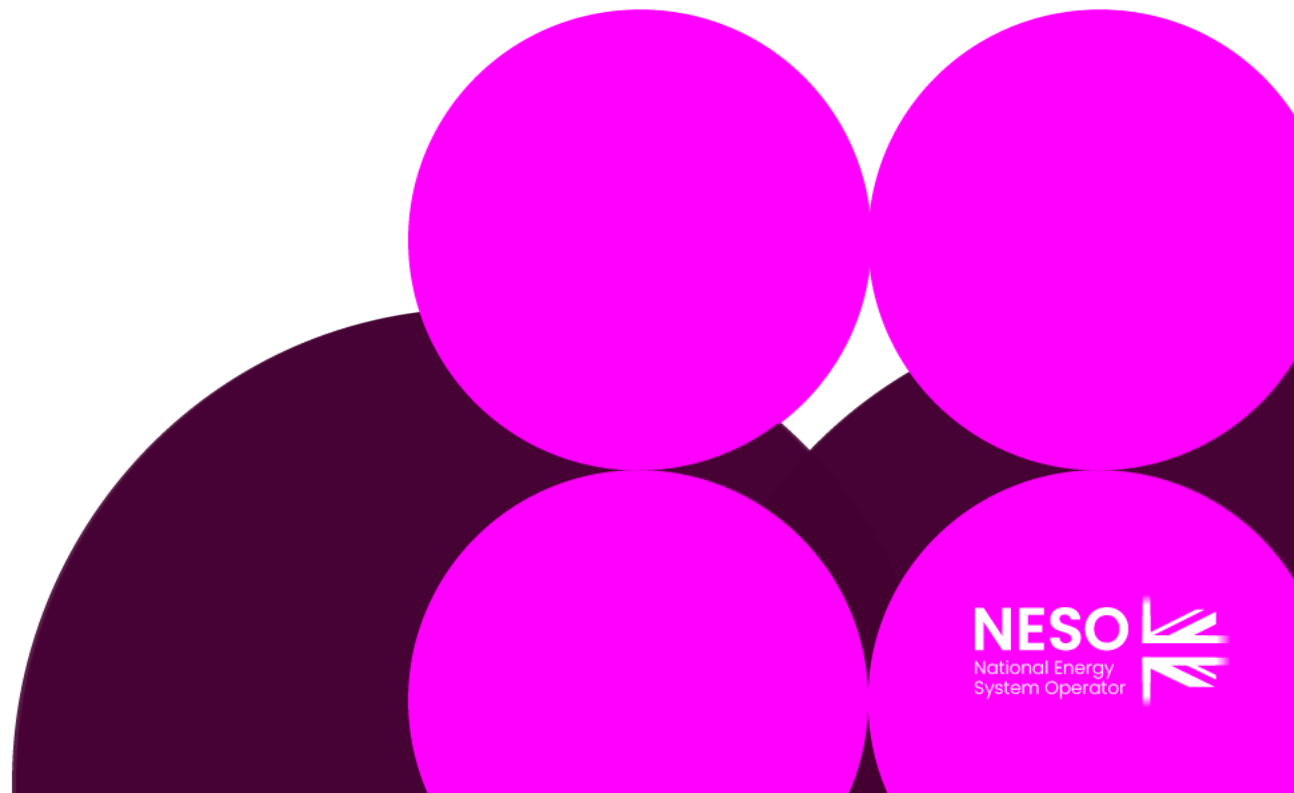
# WELCOME

# Agenda

1. Timeline
2. Scene Setting – Workgroup 29
3. TMO4+ Update
4. CM095 Legal Text Discussion
5. CM095 Terms of Reference Review
6. CMP434 WACM Discussion
7. CMP434 Possible Alternative
8. Actions Log Review
9. Any Other Business
10. Next Steps

# Timeline

Claire Goult – NESO Code Administrator



# CMP434 Timeline

Pre-Workgroup	
Proposal raised	19/04/2024
Proposal submitted to Panel	26/04/2024
Workgroup Nominations	26/04/2024 - 02/05/2024
Urgency Decision	01/05/2024
Workgroups	
Workgroup 1	07/05/2024
Workgroup 2	14/05/2024
Workgroup 3	16/05/2024
Workgroup 4	22/05/2024
Workgroup 5	28/05/2024
Workgroup 6	05/06/2024
Workgroup 7	11/06/2024
Workgroup 8	13/06/2024
Workgroup 9	18/06/2024
Workgroup 10	20/06/2024
Workgroup 11	25/06/2024
Workgroup 12	01/07/2024
Workgroup 13	04/07/2024
Workgroup 14	11/07/2024
Workgroup 15	16/07/2024
Workgroup 16	18/07/2024
Workgroup Consultation	25/07/2024 - 06/08/2024
Workgroup 17	13/08/2024
Workgroup 18	19/08/2024
Workgroup 19	20/08/2024
Workgroup 20	27/08/2024
Workgroup 21	03/09/2024

Workgroup Continuation		Key Objectives*
Workgroup 22	11/09/2024	CMP434 Alternative Request Review and update/RFI/ CMP434 and CM095 Terms of Reference Review
Workgroup 23	17/09/2024	CMP434 Draft legal Text discussion/Alternative Request Update/Query Log Update/Action Log Review
Workgroup 24	23/09/2024	CMP434 Draft Legal Text discussion /Alternative Requests finalised and Action Log Review
Workgroup 25	25/09/2024**	CMP434 Alternative Request Update and Vote
Workgroup 26	30/09/2024	CMP434 Draft legal Text Discussion / CM095 Solution Discussion
Workgroup 27	08/10/2024	TMO4+ and DNO/ENA Update CMP434 Workgroup Report Discussion/ToR
Workgroup 28	09/10/2024	CMP434 WACM Discussion/ STC CM095 Draft Workgroup Report Discussion
Workgroup 29	14/10/2024	CM095 Draft Legal Text Discussion, /CM095 Terms of Reference Review CMP434 WACM Discussion continued
Workgroup 30	15/10/2024	CMP434 Draft Legal Text Discussion/WACM Legal Text
Workgroup 31	21/10/2024	Finalise Workgroup Report Discussion CMP434/CM095
Workgroup 32	22/10/2024	Complete sign of ToR and Workgroup Vote CMP434 (Part 1)
Workgroup 33	23/10/2024	Complete sign of ToR and Workgroup Vote CMP434/CM095 (Part 2)
Workgroup 34	28/10/2024	Final Review of Workgroup Reports

Post Workgroups		Key info
Workgroup Report submitted to Panel	05/11/2024	
Panel to agree whether ToR have been met	08/11/2024	Special Panel to be arranged
Code Administrator Consultation	11/11/2024 - 22/11/2024	9 Business Days
Code Administrator Consultation Analysis and DFMR generation	25/11/2024 - 12/12/2024	13 Business Days
Draft Final Modification Report to Panel	13/12/2024	
Panel Recommendation Vote	20/12/2024	Special Panel to be arranged
Final Modification to Ofgem	20/12/2024	
Decision Date	Q1 2025	
Implementation Date	Q2 2025	

# CM095 Timeline

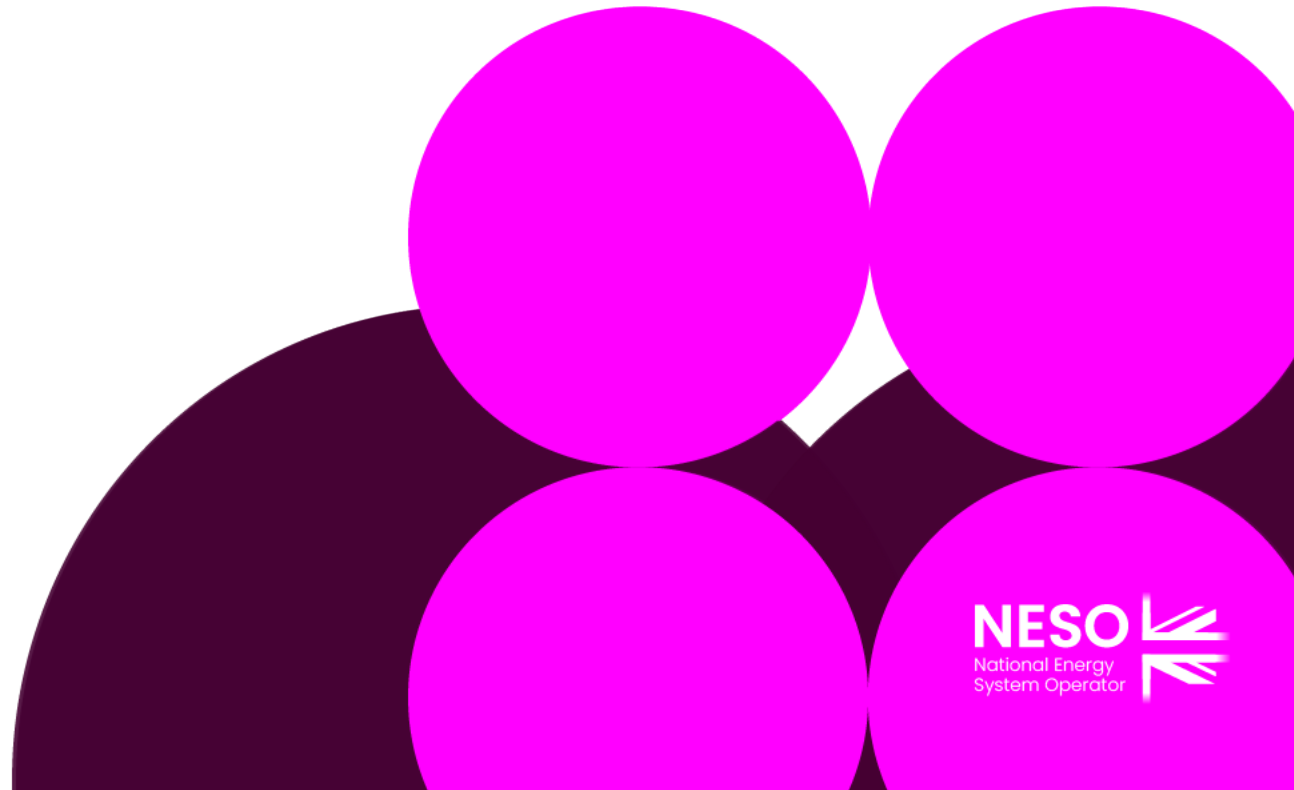
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Workgroup 8	13/06/2024
Workgroup 9	18/06/2024
Workgroup 10	20/06/2024
Workgroup 11	25/06/2024
Workgroup 12	01/07/2024
Workgroup 13	04/07/2024
Workgroup 14	11/07/2024
Workgroup 15	16/07/2024
Workgroup 16	18/07/2024
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Workgroup 34	28/10/2024	Final Review of Workgroup Reports

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Implementation Date	Q2 2025	

# Workgroup 29 Scene Setting

Ruby Pelling – Proposer



# Meeting Objectives

## What is the focus of the meeting?

- Discuss CM095 draft legal text feedback and any revisions
- Discuss CM095 Terms of Reference
- Development and discussion of CMP434 WACMs

## What is the ask of the Workgroup?

- Clarification questions and feedback on the draft legal text
- Feedback and agree progress on CM095 Terms of Reference
- Consider the WACMs and what is required to progress

## What is the desired meeting output?

- To understand the legal text
- To develop CM095 solution
- To understand the intent of the proposed WACMs

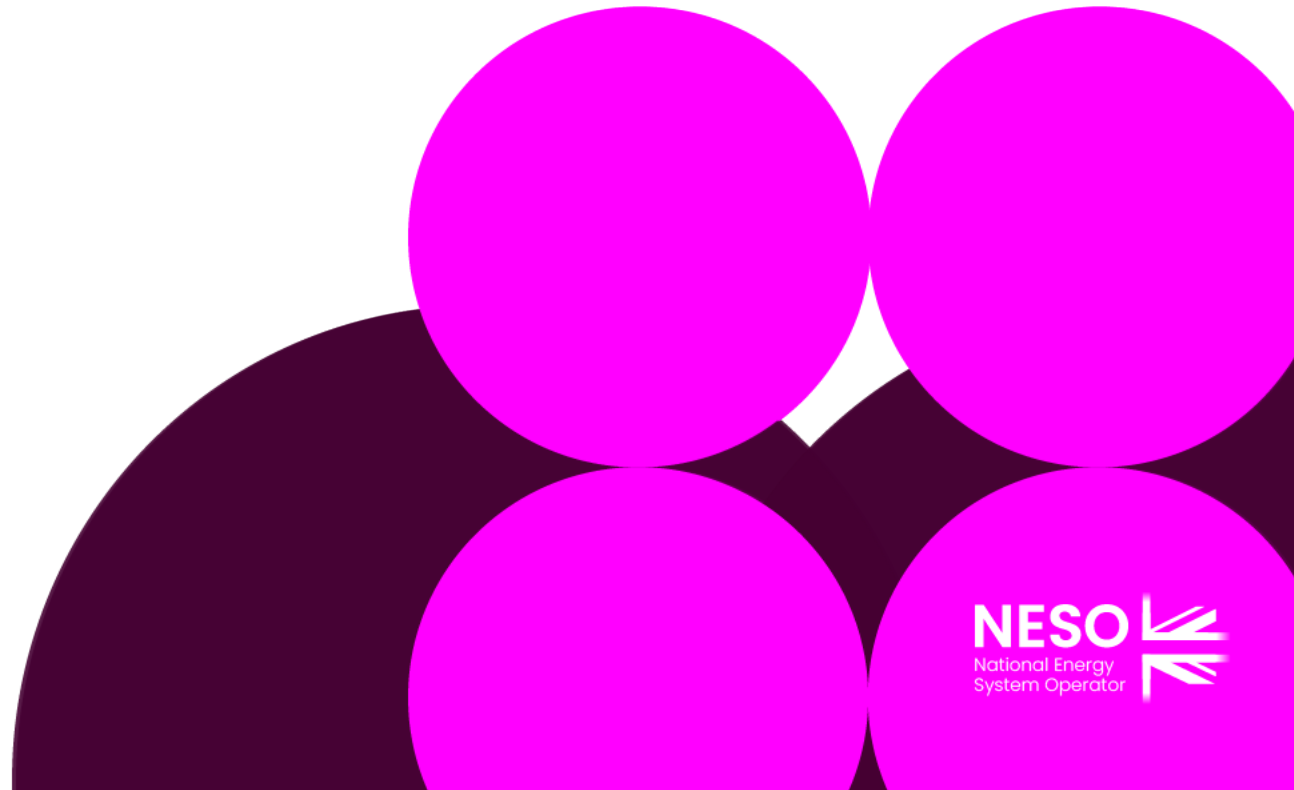
## What should not be discussed?

- Discussion on CMP434/CM095 Workgroup Reports
- Discussion on CMP434 Legal Text
- Discussion on Clean Power 2030



# TMO4+ Update

Mike Oxenham – NESO



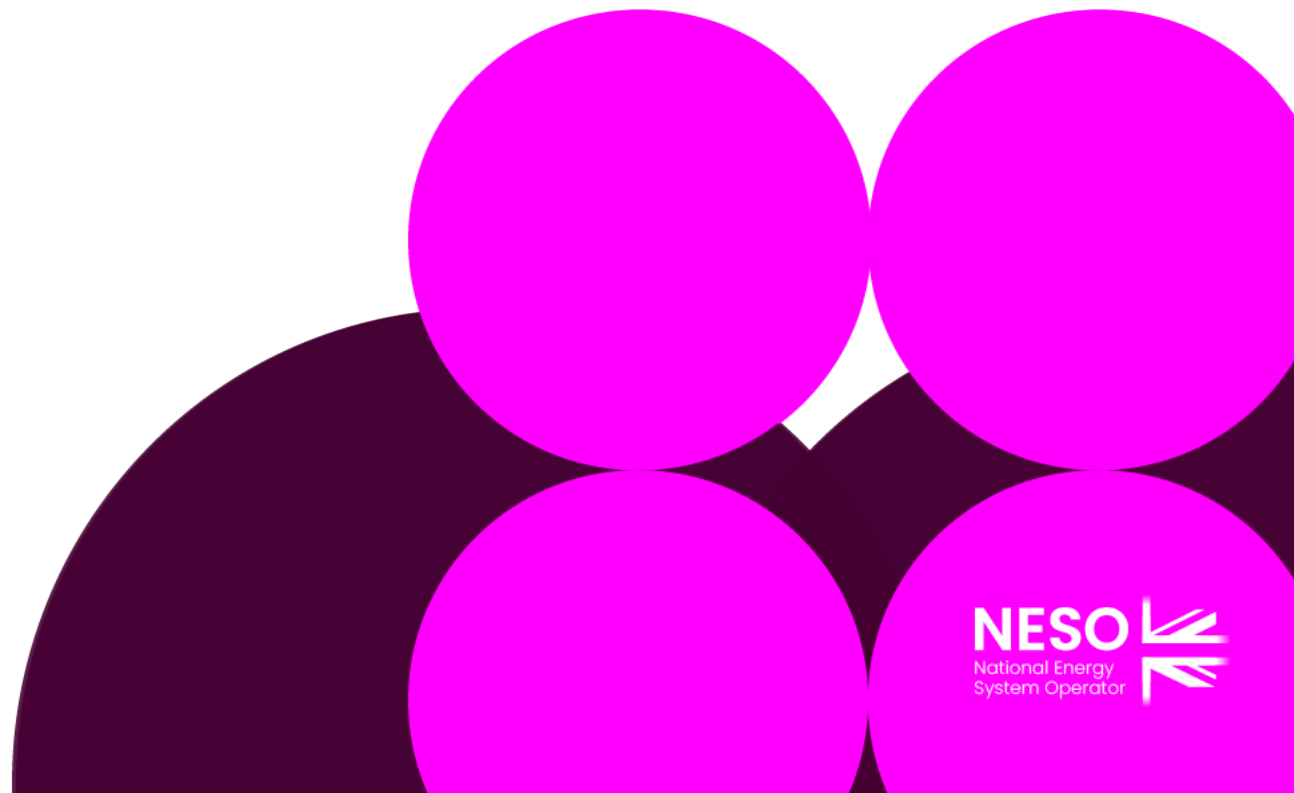
# CM095 Legal Text Discussion

Angela Quinn – NESO

# CM095 Terms of Reference Review

Claire Goult – NESO Code Administrator

<b>RAG Status</b>
ToR Completed
Discussions ongoing but on track to meet ToR by Workgroup Report
Not on track to meet ToR by Workgroup Report



Workgroup Terms of Reference	When has this been discussed?	RAG status
a) Consider the implementation and transitional arrangements	Implementation Approach	Yellow
b) Review and support the legal text drafting	Legal Text Discussions	Red
c) Consider the cross Code impacts this modification has, in particular the CUSC and distribution arrangements (e.g. DCUSA)	Discussions on Component A, B, C Cross Code Impacts	Yellow
d) Consider any potential licence changes which may be required, liaising with the Authority as required to discuss them.	Discussions on Component A, B	Red
e) Consider the scope of application for the proposed solution by technology/project type including changes to existing connected Users and any acceptable criteria for any exclusions or alternative approaches which may be needed.	Considered under CMP434 – STC should not have implications on Users	Yellow
f) Consider the interactions between the proposed solution(s) and distribution connection processes.	Discussions on Component A	Red

Workgroup Terms of Reference	When has this been discussed?	RAG status
g) Consider the accessibility and transparency of new processes for Users as much as possible, particularly new entrants.	Not resolved under CMP434, but this will be discussed under CMP434 – STC should not have implications on Users	Red
h) Briefly consider any future policy development which may be beneficial to enhance the proposed 'minimum viable product' solutions.	Considered under CMP434	Yellow
i) Consider mechanisms to ensure projects progress from Gate 1 to Gate 2 including financial instruments	Considered under CMP434	Green
j) Consider the impact of NESO designation of Gate 2 status, and ways to make this non discriminatory.	Considered under CMP434	Yellow
k) Consider how the solution(s) conforms with the statutory rights with respect to terms and conditions for connection.	Considered under CMP434	Yellow
l) Consider the relevant content of Annex B of the Open letter on connections reform publication.		Yellow

# CMP434 WACM Discussion

Claire Goult – NESO Code Administrator

# CMP434 WACMs

WA CM (Alternative)	Proposer	What does the WACM propose?	WACM Development – WG28 Discussion
1 (4)	Steffan Jones/Brian Hoy	Clarifying the definition of embedded schemes that will follow the Primary Process	The Proposer of the Alternative noted that it was their intention for 100MW to be in Category 2 and agreed to revise the wording for clarity. The Proposer also noted their intention for the categories to be within the CUSC legal text, and to not have the thresholds linked to Grid Code definitions. One Workgroup member noted that the lower limits may not just be dependent on capacity, which led to another Workgroup member requesting transparency of other criteria and when it is applied.
2 (8)	Helen Stack	Inclusion of wording within the proposal and subsequent CUSC legal text requiring DNOs to include all applicable Embedded Projects that provide a valid Gate 2 compliance application / submission of evidence within the Gate 2 application window as part of the DNOs fully completed Gate 2 application to the ESO. This would have to be within the codified period of time (currently 5 business days as per the Proposal) following closure of the given window.	The Proposer of this Alternative noted they had made minor changes to their Proposal to align with changes to the Original Proposal. One Workgroup member queried whether all references to DNOs should also apply to iDNOs, which the Proposer of the Alternative agreed with. The Workgroup discussed the 'minimum information' that the DNO/iDNO is required to submit to the ESO, with significant discussion on where information on this would be located and whether it would be codified. One Workgroup member requested clarity on what WACM2 proposes to do, as the Original solution was modified following the Alternative being raised. The Proposer of the Alternative clarified that it was to remove reference to 'reasonable endeavours' within the legal text to obligate DNOs to provide the information to the ESO.

# CMP434 WACMs

WA CM (Alternative)	Proposer	What does the WACM propose?	WACM Development – WG28 Discussion
3 (13)	Ed Birkett	This proposed alternative would codify a simple capacity reallocation mechanism, with terminated capacity being offered to the next project that has passed Gate 2 and can take advantage of that terminated capacity.	The Workgroup discussed WACM3, with the Proposer of WACM3 noting that the intention of this WACM is so that the NESO does not have full discretion to reallocate capacity that has been freed up. They suggested that CUSC 17.10 could be amended to add new clauses to clarify that reallocation should be given to the next project in the queue that can utilise the freed-up capacity. The Proposer of WACM3 noted that the ESO guidance would need to be amended to cover how reallocation is undertaken and advised that this could be within the CNDM. One Workgroup member highlighted the need to ensure publication of the Connections queue transparency and queried whether it should be codified that the queue should be published. Another Workgroup member queried if WACM3 could be incorporated into the Original solution.
4 (14)	Ed Birkett	This Alternative Request would codify the proposed restrictions on changes to project RLB post-Gate 2. The original solution does not propose to codify these new restrictions, instead proposing to house the restrictions in the proposed Gate 2 Criteria Methodology.	The Workgroup discussed WACM4, with the Proposer of WACM4 noting the following suggested legal text amendments to the Original legal text: Deletion of CUSC 16.4.9.3.2; Amendment to CUSC 16.4.9.3.3 to set out that this cannot be overridden by guidance; Deletion of the last bullet of CUSC 16.5, to remove the option to delay user progression milestones if red line boundary requirements are not met. One Workgroup member noted the need to consider the interaction between the guidance, code and methodologies.



# CMP434 WACMs

WACM (Alternative)	Proposer	What does the WACM propose?	WACM Development – WG28 Discussion
5 (19)	Joe Colebrook	Remove Element 9: Project Designation from the Original proposal.	The Proposer of WACM5 noted that this WACM is simple, and removes Project Designation, keeping all other elements of the Original Proposal. They noted that they may withdraw WACM5 at a later date, however another Workgroup member noted that this WACM would be useful to gather industry feedback on Project Designation within the Code Administrator Consultation, which the Workgroup member felt would be useful for the Authority in making their decision on the modification.
6 (25)	Claire Hynes	Obligation to Codify the Methodologies and Guidance Documents under Connection Reform	The Workgroup discussed WACM6, with several Workgroup members requesting clarity on what the WACM aims to achieve. It was clarified that the WACM would place an obligation on the NESO to raise a code modification to codify the methodologies and guidance documents associated with CMP434 within 18 months of the implementation date of CMP434. Several Workgroup members queried why this obligation should be placed on the NESO, especially when the intention of the NESO is for the requirements to remain in methodologies and guidance documents. One Workgroup member suggested that WACM6 could be amended to place an obligation on the NESO to review the methodologies within 12 months, and report this to industry within 16 months of the implementation date of CMP434, so other parties could then raise a code modification if they wished to do so. One Workgroup member queried where an obligation such as this would be placed within the CUSC.

# CMP434 WACMs

WACM (Alternative)	Proposer	What does the WACM propose?	WACM Development – WG28 Discussion
7 (28)	Rob Smith	<ul style="list-style-type: none"> <li>• Introduction of a pause for market self-regulation before the ESO/TO undertake the network assessment</li> <li>• Wait until the pause has completed to submit application for advancement as opposed to the current proposal where applicants do this at the point of Gate 2 submission</li> <li>• Defined obligation for the ESO to publish certain information on the TEC queue by a proposed date. At present the level of detail and the timing of this publication is not specified in the current proposal</li> </ul>	<p>The Proposer of WACM7 noted that they raised a similar Alternative within CMP435, which is now WACM1. They highlighted that the main aim of WACM7 was for a pause for initial compliance checks to allow NESO to publish this, to allow parties to withdraw or apply for acceleration, based on a better view of the connections queue. They noted that most of the benefit will be delivered through CMP435 WACM1, if approved, however information would flow back through into CMP434. One Workgroup member noted the risk of Authority rejection of this WACM due to the additional time it adds to the process. A NESO representative noted that it is unlikely that the CMP434 and CMP435 application windows will overlap.</p>

# CMP434 Possible Alternative

Paul Youngman – Drax

# Alternative ideas and feedback

- **NESO Prioritisation**

- **Right to NESO:** (*Right for NESO to prioritise within code and Transparency requirements.*) The NESO (*Prioritisation Methodology*) will have the absolute right to prioritise a User application and disapply any requirements of the connection process for the benefit of that development. When prioritising a User application or disapplying elements of the connections process the NESO will publish its reasoned justification for doing so and all supporting evidence and analysis that it has used in reaching its decision.
- **Q:** Should this be at all times, in exceptional circumstances or the three criteria in the energy act ?
- **Q:** CMP434 only or CMP435 ?

- **Reserving bays**

- **Obligation on NESO :** (*Transparency and justification*) When reserving a bay the NESO will define the reservation period in Years. When reserving a bay the NESO will publish its reasoned justification for doing so, any actions required by the User to maintain the reservation during the reservation period, and all supporting evidence and analysis that it has used in reaching its decision.
- **Q:** Should this explicitly link to duties in the E Act ? (*(a) the net zero objective;(b) the security of supply objective;(c) the efficiency and economy objective.*)

# Alternative ideas and feedback

## Alteration of land right criteria based on technology type

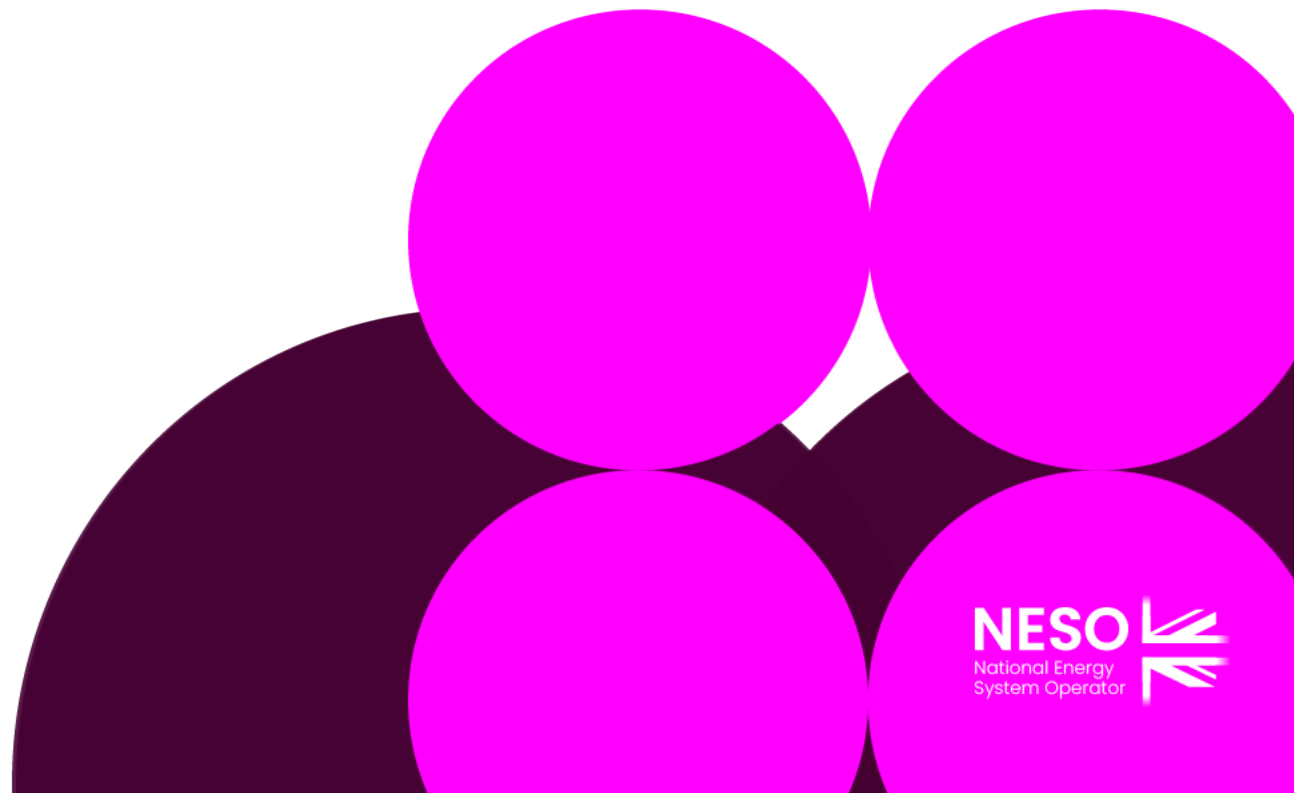
- **Obligation on NESO:** (*ability of NESO to alter G2 criteria: evolution of technologically diverse and operational system*) The NESO may implement a relaxation of the Gate two land requirements for different technology groups based on its assessment and determination of the efficient development of the system and its duties under the Energy Act 2023 including
  - (a) the net zero objective;
  - (b) the security of supply objective
  - (c) the efficiency and economy objective
- Where NESO utilises this discretion, it will publish its reasoned justification for doing so and all supporting evidence and analysis that it has used in reaching its decision.
- This provision does not impede the NESO from utilising its existing powers under E12 B of the ESO licence or applying from a derogation from Ofgem related to the CUSC or ESO licence.
- **Q:** Does this only work if you have 'hard' land rights. Should it be applied as a restriction?

# Alternative ideas and feedback

- **Gate 2 criteria and process.**
- **Right to user:** *(if you own the site then you should go be able to the next G2 window. Avoiding stranded investment.)* A User application progresses directly to gate two where the user evidences site ownership, leasehold or demonstrates equivalent exclusive rights to the area for the purpose of siting and utilising the project.
- **Q:** CMP434 and or CMP435
- **Right to User / obligation on NESO:** *(avoiding unnecessary bow wave of application, want to see a continuous process; initial process had 4 G2 points)* There will be no less than three gate two windows open in any calendar year. The NESO will publish the dates to most appropriately align with other industry processes (auction SSEP RESP etc ) with at least 4 months notice from the start of the first G2 window in any calendar year.
- **Q:** Happy to reconstruct the notice calendar year construction. *(CMP434 only)*

# Actions Log Review

Claire Goult – NESO Code Administrator



# CMP434/CM095 Actions Log

Action	Workgroup	Owner	Action	Update	Due	Status
35	WG10	AC/AQ	ESO to confirm whether additional uncertainty clauses (which have been appearing in offers recently) will remain	Ongoing drafting legal text	TBC	Open
49	WG17	MO	Updated action: SMEs to share a short summary of the methodologies and their underlying principles. This should include a plan for development of methodologies, including timescales and engagement approach with stakeholders.	Methodologies session held 16 September, and there will be a webinar held on 7 October for those who missed the in-person event. Please register <a href="#">here</a> .  Further session on methodologies and CP30 scheduled for 16 October and Methodology consultation to take place Nov-Dec. (Exact date TBC.)	TBC	Propose to close
56	WG18	MO	Confirmation of <b>when</b> financial instruments will be raised as a separate modification.	ESO are currently performing an options assessment, and outcome of that (i.e. the specific option we proceed with) will dictate the timelines that we will need to follow. Aim to have rolling update on TMO4+ programme, which can capture both actions 49/56 going forwards.	TBC	Propose to close
59	WG19	PM	Element 11 – Produce examples to provide clarification to the Workgroup (slide 25) on how using installed capacity could work in practice	Illustrative examples in Workgroup Report and will add further specifics to the Gate 2 Criteria Methodology (re: requirement to provide an Original Red Line Boundary) and QM guidance (re: ongoing land compliance requirement). Installed Capacity definition to be shared as part of legal text updates – possibly look to close WG30 following CMP434 legal text discussion.	TBC	Open



# CMP434/CM095 Actions Log

Action	Workgroup	Owner	Action	Update	Due	Status
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 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.	Any Developer can evidence why they can't meet the forward looking MI (if earlier than the backwards looking MI) this and propose a different MI (noting this cannot be later than the backwards looking MI) and then NESO consider; therefore, difficult to pinpoint which projects could benefit. The plan is to add some commentary on what could be an acceptable exception in the updated QM Guidance.	TBC	Propose to Close
77	WG26	MO	Clarify what is proposed to be codified in relation to when Modification Applications are required. For example, will it be codified that it is only possible for a User to seek acceleration (or be offered acceleration by the ESO) by submitting a Mod App? Or will the ESO have full discretion to offer/grant acceleration to Users without a Mod App, as seems to be the case under the ongoing Transmission Works Review and the ESO initiative to accelerate the connection of Battery-only projects?	A Modification Application to a Gate 2 Agreement (or a Gate 1 Agreement including Reservation) will be Gated Modification Application where it is determined to be one by The Company in accordance with the Gated Modification Guidance, as per the proposed legal text. Therefore, the answer to the example depends on what is included within the final Gated Modification Guidance, but it is currently expected that a developer request to advance their confirmed connection date will in future ordinarily require a Modification Application. The date for this to be shared with industry remains TBC. As is the case today, alternative forms of contract update are possible e.g. notices, Agreements to Vary, etc.	TBC	Propose to Close
78	WG26	MO	Provide update on process and timescales to amend charging statements (re: application fees) and an indication on what scale of change could be seen to application fees.	Note: Enquiries made on process timescales for updating Statement of Use of System Charges.	14/10	New
79	WG26	MO	Clarify when applicants will have visibility that there is to be Reservation associated with their project and separately when wider industry will be informed about where Reservation has occurred, whether in relation to a specific project or otherwise.	Applicants are intended to have the visibility of (and ultimately the choice to decline) the NESO proposed reservation as part of the detailed application window process. It remains TBC on what will be published and when more broadly, but there is currently nothing in the Proposal or legal text in relation to publication of information.	TBC	Propose to Close
80	WG26	MO	Provide information on where the power and criteria for reservation will be set out and what the Governance process is around this.	Power/process is / will be via STC changes. Governance process will be developed internally in future (once methodologies are available) in relation to how and when to propose to utilise. Original solution is not proposing to codify any additional obligations for NESO to publish any more data or information than present	TBC	Propose to Close

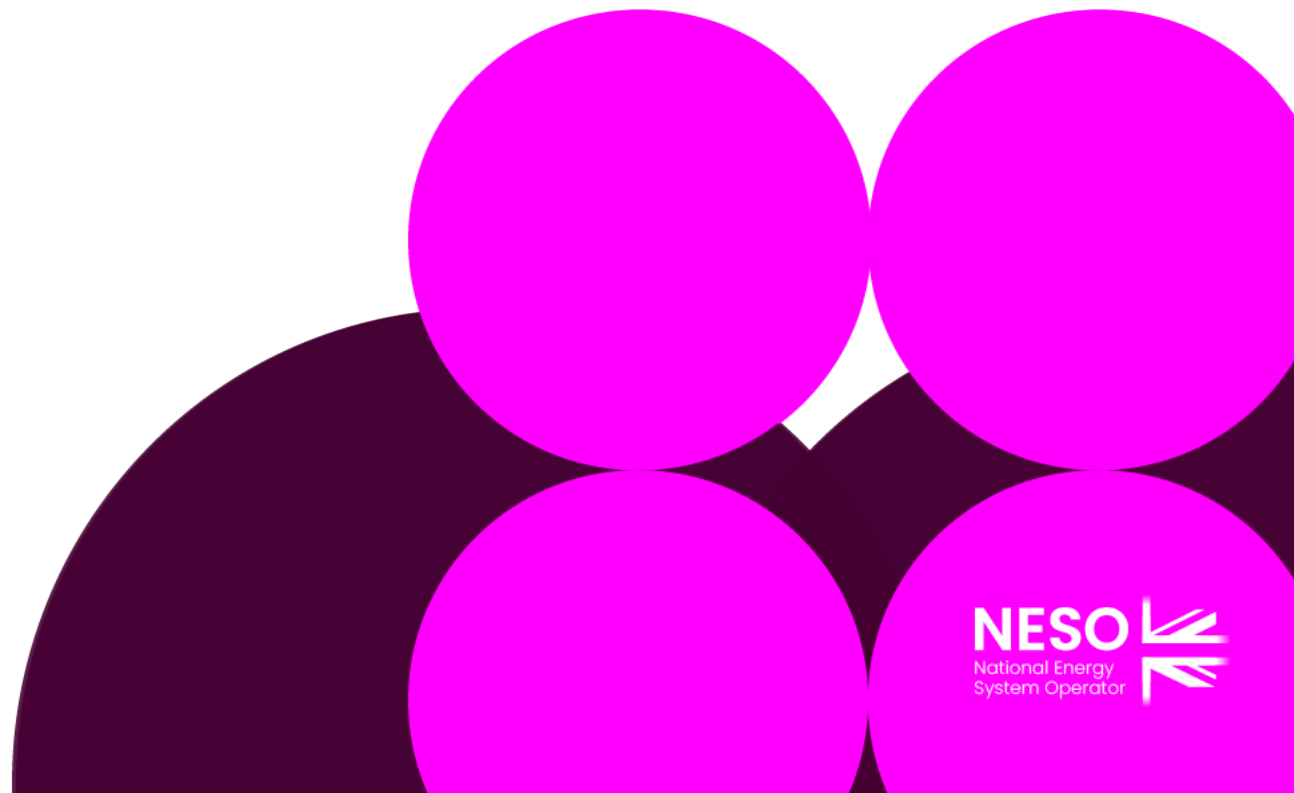
# Next Steps

Claire Goult – NESO Code Administrator

# CMP434 Terms of Reference Review Updated Tuesday 8 October

Claire Goult – NESO Code Administrator

RAG Status
ToR Completed
Discussions ongoing but on track to meet ToR by Workgroup Report
Not on track to meet ToR by Workgroup Report



Workgroup Terms of Reference	When has this been discussed?	RAG status
a) Consider the implementation and transitional arrangements	Implementation Approach Legal text discussion Alternatives implementation approach to be considered	Yellow
b) Review and support the legal text drafting	Legal Text Discussions Annex 9 – Legal Text	Yellow
c) Consider the cross Code impacts this modification has, in particular the STC and distribution arrangements (e.g. DCUSA)	Discussions on Element 10, 16, 17 Cross Code Impacts Alternatives discussion	Yellow
d) Consider any potential licence changes which may be required, liaising with the Authority as required to discuss them.	Discussions on Element 1, 9, 11, 15, 16  Legal text discussion	Red
e) Consider the scope of application for the proposed solution by technology/project type including changes to existing connected Users and any acceptable criteria for any exclusions or alternative approaches which may be needed.	Discussions on Element 2, 3, 4, 5, 11, 12 Legal text discussion	Yellow
f) Consider the interactions between the proposed solution(s) and distribution connection processes.	Discussions on Element 6, 11, 12, 13, 17 Legal text discussion	Yellow

Workgroup Terms of Reference	When has this been discussed?	RAG status
g) Consider the accessibility and transparency of new processes for Users as much as possible, particularly new entrants.	Implementation Approach Legal text discussion	
h) Briefly consider any future policy development which may be beneficial to enhance the proposed 'minimum viable product' solutions.	Consideration of options considered by the WG were de-scoped and removed from the solution – Gate 1 and 2 Financial Instruments Legal text discussion	
i) Consider Electricity Balancing Regulation implications.	Legal Text Discussions Annex 9 – Legal Text	
j) Consider mechanisms to ensure projects progress from Gate 1 to Gate 2 including financial instruments	Consideration of options no longer in scope of this modification – Gate 1 and 2 Financial Instruments, Element 8: Longstop Date for Gate 1 Agreements, Fast Track Disagreement Resolution Process, Gate 2 Offer and Project Site Location Change, DFTC Legal text discussion	
k) Consider the impact of NESO designation of Gate 2 status, and ways to make this non discriminatory.	Discussions on Element 9, 11 Legal text discussion	
l) Consider how the solution(s) conforms with the statutory rights with respect to terms and conditions for connection.	Discussions on Element 11, 16 Context of Article 37 [6A], Directive 2009/72/EC of the European Parliament and of the Council Legal text discussion	
m) Consider the relevant content of Annex B of the Open letter on connections reform publication.	RFI Analysis for CDB	