

Public

Special CUSC Panel

Friday 20 December 2024

Online Meeting via Teams

Public

WELCOME

Purpose of Panel & Duties of Panel Members

The **Panel** shall be the standing body to carry out the **functions** referred to in CUSC – Section 8 CUSC Modification (8.3.3)

The **Panel** shall endeavour at all time to operate:

- In an **efficient, economical and expeditious manner**, taking account of the complexity, importance and urgency of particular CUSC Modification Proposals; and
- With a view to ensuring that the CUSC facilitates **achievement of the Applicable CUSC Objectives**.

Duties of Panel Members & Alternates (8.3.4)

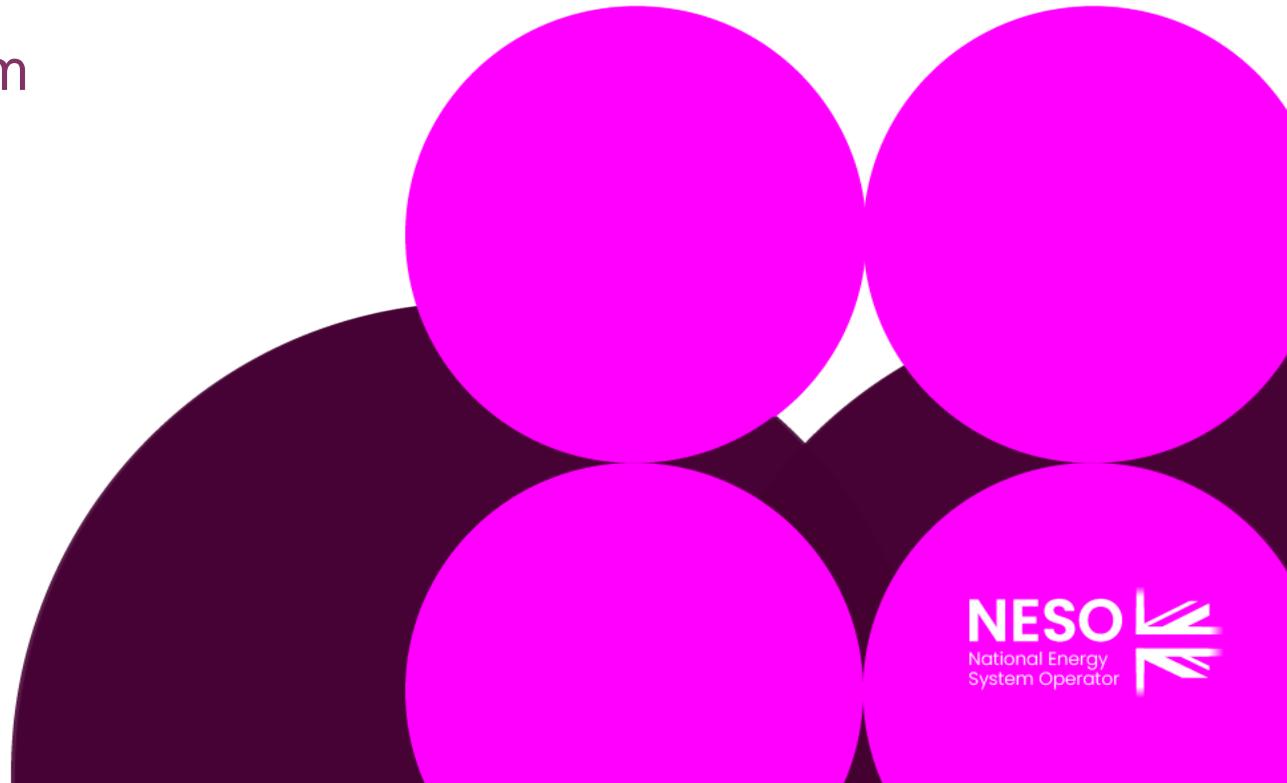
1. Shall act **impartially** and in accordance with the requirements of the **CUSC**; and
2. Shall not have any **conflicts of interest**.

Shall not be representative of, and shall act without undue regard to the particular interests of the persons or body of persons by whom he/she was appointed as Panel Member and any Related Person from time to time.

Draft Final Modification Report

CMP434: Implementing Connections Reform

Catia Gomes



Proposer's solution

This proposal introduces new processes and definitions for certain new and modified connection applications that will update the existing processes and enable those projects that are most ready to progress to connect more rapidly.

This is done by moving away from a 'first come, first served' approach to capacity allocation and reallocation and provides a framework to introduce one which is based around 'first ready, first served' in accordance with a new proposed suite of three Methodologies (and with the advent of more strategic network planning would also be future-proofed to move to 'first come, first needed, first served' approach through such Methodologies if and when required (and future proof for the needs of the Clean Power Plan 2030)).

It is proposed to introduce the concept of an application window and two formal gates, which are known as Gate 1 and Gate 2. This means that in-scope project developers will no longer be able to submit new and modified connection applications at any time and will only be able to do so in application windows.

Once a project meets the Gate 2 criteria the project developer can apply (via the relevant party) to be provided with a confirmed connection point and connection date.

Public Alternative Solutions

WACM1: Clarification of Embedded Definition

In line with the Original Proposal, except for changing the definition of Embedded schemes that are covered by the Primary Process to be defined by capacity rather than referencing Relevant Small, Medium and Large Power stations.

WACM2: DNO Submission Requirement

In line with the Original Proposal, except for changing the obligation of DNOs and iDNOs in respect of the inclusion of all applicable Embedded Projects that provide a valid Gate 2 compliance application and evidence submission within the Gated Application Window, as part of the DNO/iDNOs fully completed Gate 2 Application to NESO. In the Original the obligation is to use Reasonable Endeavours to do so, whereas in this option the obligation is absolute.

WACM3: Capacity Reallocation Codification

In line with the Original Proposal, except for codifying a Capacity Reallocation mechanism to allow terminated capacity to be offered to the next contracted project that has passed Gate 2 and is able to utilise the released capacity. This would remove NESO's ability to utilise Project Designation or Connection Point and Capacity Reservation in respect of reallocating terminated capacity.

WACM4: Codifying restrictions on changes to project site location “Red Line Boundary” (RLB) – post-Gate 2

In line with the Original Proposal, except for codifying the proposed restrictions on changes to project Red Line Boundary post-Gate 2, rather than housing the restrictions in the proposed Gate 2 Criteria Methodology.

WACM5: Remove Project Designation

In line with the Original Proposal except for the removal of Element 9: Project Designation

WACM6: Obligation to Codify the Methodologies and Guidance Documents under Connection Reform

In line with the Original Proposal, however, adds an obligation on NESO to undertake and report on a review of the new connections process, to allow stakeholders to assess whether a code modification is required to codify the Methodologies and Guidance documents.

WACM6 should not be implemented without CM095 ASM1.

WACM7: Introduction of a pause for market self-regulation before NESO/the Transmission Operators (TOs) undertake the network

assessment In line with the Original Proposal but introduces a pause for market self-regulation prior to NESO/TO network assessment occurring, to allow for greater visibility of competitor projects.

Code Administrator Consultation Responses

Summary of Code Administrator Consultation Responses :

Code Administrator Consultation was run from 08/11/2024 to 26/11/2024 and received forty-three non-confidential responses including one late response [and eight confidential responses].

Key points were:

Support for Reform and the Original Proposal

Many respondents agree that the Original proposal and the need for reform are essential to address the inefficiencies in the current connections process.

Concerns About Methodologies and Codification

Several respondents' express concerns about the reliance on methodologies and guidance documents that are not codified within the CUSC. There is a call for more transparency and the need for these methodologies to be subject to robust governance and industry input.

Project Designation and Capacity Reservation

There are mixed views on the inclusion of project designation and capacity reservation powers for NESO. Some believe these powers are necessary for strategic planning, while others fear they could lead to unfair advantages and market distortions.

Implementation and Timelines

Many respondents highlight the need for clear and realistic implementation timelines. There are concerns about the ambitious timelines proposed and the need for adequate notice and preparation time. The importance of a smooth transition and the need to avoid overlaps between different implementation phases are emphasised.

Code Administrator Consultation Responses

Embedded Generation and DNO Processes

There are significant concerns about the impact of the proposed changes on embedded generation projects and the role of DNOs.

Respondents call for clearer processes and obligations for DNOs to ensure that embedded generation projects are not disadvantaged.

Queue Management and Milestones

The need for effective queue management and clear milestones is a recurring theme. There are concerns about the current milestones being fit for purpose and the potential for projects to be delayed or disadvantaged.

Some respondents suggest that the queue management process needs to be reviewed and potentially revised to align better with the new proposals.

Support for Specific WACMs

Various respondents express support for specific combinations of Workgroup Alternative CUSC Modifications (WACMs).

Need for Continuous Improvement and Flexibility

There is a recognition that the proposed changes are a step in the right direction, but there is also a call for continuous improvement and flexibility to adapt to future needs and challenges.

The importance of learning from the implementation and refining the processes based on feedback and practical experience is emphasised.

Code Administrator Consultation Responses

EBR issues raised in the consultation:

Thirty-three Respondents agreed with the Workgroup's assessment that the modification does not impact the Electricity Balancing Regulation.

Seven respondents gave no response, one respondent ticked yes and no, and one respondent felt they were unable to answer the question.

One respondent believed there was an EBR impact and gave the following comment:

This will delay progressive users to get on the system to manage the balancing of the system with clean energy.

One respondent did not give a definitive answer leaving the following comment:

No assessment. Consultation period extraordinarily short.

NESO supplied the following response for the DFMR:

The Workgroup reviewed whether there was an EBR impact as part of their Terms of Reference and concluded that there was no impact.

CUSC Exhibit Y shows mapping of CUSC Sections to the EBR Article 18 Terms and Conditions for Balancing Services Providers and Balancing Responsible Parties to the CUSC. No legal text sections identified within the CUSC Exhibit Y mapping table are impacted as part of CMP434. The Code Administrator Consultation therefore is not required to meet the minimum consultation requirements of the Electricity Balancing Regulations.

Code Administrator Consultation Responses

Legal Text Changes:

Numerous Legal Text queries were raised through the Code Administrator Consultation.

Please see Annex 15 'Code Administrator Consultation Legal Text Queries' for a list of those queries and the Proposer's response from NESO's legal team.

In today's Panel meeting we will first review the legal text queries deemed by the Code Administrator to be clear 'typographical' changes, i.e. with no effect to intent, meaning or effect of the wording, for agreement to amend within the legal text.

These changes have been prepared within the legal text documents in Annex 16, subject to Panel agreement, and are marked in green in the queries spreadsheet, Annex 15, and slides 13-16.

Following that, we will review any legal text queries requiring a Panel decision (see the choices for Panel decisions on the next slide).

Code Administrator Consultation – Legal Text Changes. What do the CUSC Governance Rules say?

- 8.23.4 A draft of the **CUSC Modification Report** shall be tabled at the **Panel Meeting** prior to submission of that **CUSC Modification Report** to the **Authority** as set in accordance with the timetable established pursuant to Paragraph 8.19.1 at which the Panel may consider any minor changes to the legal drafting, which may include any issues identified through the **Code Administrator's** consultation and:
- (i) if the change required is a typographical error the **CUSC Modifications Panel** may instruct the **Code Administrator** to make the appropriate change and the **Panel Chairman** will undertake the **CUSC Modifications Panel Recommendation Vote**; or
 - (ii) if the change required is not considered to be a typographical error then the **CUSC Modifications Panel** may direct the **Workgroup** to review the change. If the **Workgroup** unanimously agree that the change is minor the **CUSC Modifications Panel** may instruct the **Code Administrator** to make the appropriate change and the **Panel Chairman** will undertake the **CUSC Modifications Panel Recommendation Vote** otherwise the **Code Administrator** shall issue the **CUSC Modification Proposal** for further **Code Administrator** consultation after which the **Panel Chairman** will undertake the **CUSC Modifications Panel Recommendation Vote**.
 - (iii) if a change is not required after consideration, the **Panel Chairman** will undertake the **CUSC Modifications Panel Recommendation Vote**.

Code Admin must present the proposed legal text changes

Panel have 3 choices:

- **Agree the changes are typographical and instruct Code Admin to make the change under 8.23.4(i). Then we carry out Recommendation Vote; or**
- **Agree the changes are not needed under 8.23.4(iii). Then we carry out Recommendation Vote; or**
- **Under 8.23.4(ii) Direct the Workgroup to review the changes or ask for a further Code Administrator Consultation to be issued**

Proposed typographical changes for Panel agreement (1/4)

Legal Text Document/Location (Exhibit, Schedule, Section)	Legal Text Clause	Consulted Legal Text	Query	Code Provisionally Updated ahead of Panel approval	Provisional Response
Section 16 Original and WACMs 1-3, 5-7 NOT APPLICABLE to WACM4 legal text	16.4.9.3.1	For Section 16 Original and WACMs 1-3, 5-7 The User shall be required to confirm at each User Progression Milestone that the User's project meets the minimum acreage requirements as set out in the LoA Guidance ie that the land is equal to or greater than that provided for the technologies included in the Gate 2 Application.	16.4.9.3.1: There is a reference to 'User's' which should be in bold 16.4.9.3.1: 'ie' may need to be 'i.e.' These section 16 changes would also need to be reflected within the WACM 4 legal text.	Yes	Updated to make "User's" bold and change reference to "ie" to "i.e." in 16.4.9.3.1
Section 17 all solutions	17.5.6	17.5.6. A Modification Application (in addition to those referred to in Paragraph 17.5.4 and 17.5.6) to (a) any Gate 2 Agreements or (b) (any Gate 1 Agreements with Reservation (where the Modification Application is not requesting a Gate 2 Offer), which in either case is a Gated Modification Application and so has to follow the Gated Application and Offer Process.	17.5.6: The reference to 'and 17.5.6' in this Paragraph should be a reference to 'and 17.5.5'.	Yes	Updated the reference in 17.5.6 from "and 17.5.6" to "and 17.5.5"
Section 17 all solutions	17.5.6		Original 17.5.6 Is the correct reference '17.5.4 and 17.5.5' not '17.5.4 and 17.5.6'? Public 23 Also stray '(' after (b).		
Section 17 all solutions	17.6.3	17.6.3. 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.	Original 17.6.3 "a)" should appear after "subsequently" rather than "a"	Yes	Updated 17.6.3 to move end bracket to after subsequently

Proposed typographical changes for Panel agreement (2/4)

Legal Text Document/Location (Exhibit, Schedule, Section)	Legal Text Clause	Consulted Legal Text	Query	Code Provisionally Updated ahead of Panel approval	Provisional Response
Section 17 all solutions	17.6.6 (b)	17.6.6 b) in all other cases, use reasonable endeavours to submit the Distribution EG Related Application to The Company by reference to a Gated Application Window in the period specified in Paragraph 17.6.2 where prior to or within that Gated Application Window a Relevant Embedded Power Station has notified the owner/operator of the Distribution System that it wants the owner/operator of the Distribution System to submit a Gate 2 Application and the owner/operator of the Distribution System considers that the Gate 2 Criteria for readiness has been met .	17.6.6: The end of sub-paragraph b) has a stray space at the end of that Paragraph before the full stop, which should be removed. This would also need to be reflected within WACM 2 legal text.	Yes	Updated to remove the additional space before the full stop at the end of 17.6.6 sub-paragraph b)
Section 17 all solutions	17.6.8	17.6.8. Embedded Power Stations should be aware that the owner/operator of the Distribution System will have its own requirements of them (including the Embedded Power Station having entered into an agreement for connection to and use of the Distribution System and paying any relevant fees) prior to the owner/operator of the Distribution System submitting the Distributed EG Related Application.	Original 17.6.8 Defined term should be "Distribution EG Related Application"	Yes	The term "Distribution EG Related Application" does not exist so this is a typographical error. Updated 17.6.8 to correct the defined term from "Distributed EG Related Application" to "Distribution EG Related Application"

Proposed typographical changes for Panel agreement (3/4)

Legal Text Document/Location (Exhibit, Schedule, Section)	Legal Text Clause	Consulted Legal Text	Query	Code Provisionally Updated ahead of Panel approval	Provisional Response
Section 17 all solutions	17.7.1	17.7.1 Gated Application will need to be Competent. In the case of a Gate 2 Application for a BEGA or BELLA both that Gate 2 Application and the Distribution EG Related Application have to be Competent in the same Gated Application Window.	17.7.1: It should be 'A Gated Application' at the start of that Paragraph.	Yes	Updated the start of 17.7.1 to "A Gated Application"
Section 17 all solutions	17.7.9	17.7.9. Installed Capacity The sum of the Installed Capacity provided within a Gate 2 Application and the capacity of any existing User's Equipment or Developer's Equipment at the same site, must be equal to or greater than the total Transmission Entry Capacity or Developer Capacity or directly connected Demand MWs (as applicable) which will outturn at the relevant Connection Site or site of connection of the Embedded Power Station (as applicable) as a consequence of the Gate 2 Application.	Amendments to the defined terms and usage will need to be double checked. For example: - 'Developer's Equipment' (as used in 17.7.9) is not defined.	Yes	Updated the term "Developer's Equipment" to unbold "equipment" and make it a lower case "e".

Proposed typographical changes for Panel agreement (4/4)

Legal Text Document/Location (Exhibit, Schedule, Section)	Legal Text Clause	Consulted Legal Text	Query	Code Provisionally Updated ahead of Panel approval	Provisional Response
Section 17 all solutions	17.10.1.1	17.10.1.1. The Company shall use reasonable endeavours to undertake a more detailed check as set out in the Gate 2 Criteria Methodology on all (unless specified otherwise in the Gate 2 Criteria Methodology) the Readiness Declarations provided (other than where the Readiness Declaration is provided for a Relevant Embedded Power Station by the owner/operator of a Distribution System where it is expected that such owner/operator will use reasonable endeavours to undertake this detailed check).	17.10.1.1: There is a stray space at the start of the Paragraph, which should be removed.	Yes	Updated to remove the additional space at the start of 17.10.1.1

CMP434 – the asks of Panel

- **AGREE** whether or not the additional changes to the legal text in Annex 16 are typographical
- **AGREE** the following for the other changes featured in the legal text spreadsheet (Annex 15):
 - Is the change typographical?
 - Is a change required?
 - If not, does the change need to be raised with the Workgroup and/or require a second Code Administrator Consultation to be issued?
- **VOTE** whether or not to recommend implementation
- **NOTE** next steps on the ongoing timeline

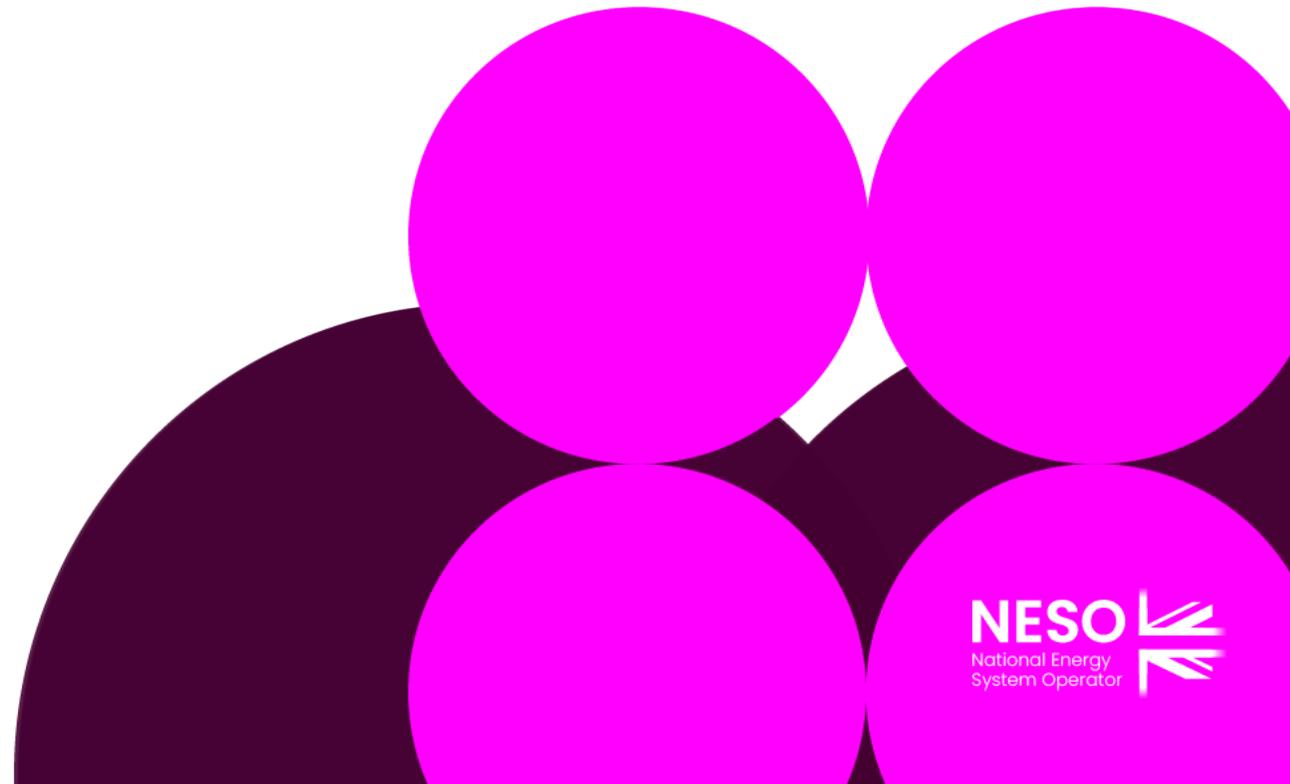
CMP434 Next Steps

Milestone	Date
Draft Final Modification Report presented to Panel	13 December 2024
Final Modification Report issued to Panel to check votes recorded correctly	20 December 2024
Submission of Final Modification Report to Ofgem	20 December 2024
Ofgem decision date	Q1 2025
Implementation Date	Q2 2025

Draft Final Modification Report

CMP435: Application of Gate 2 Criteria to
existing contracted background

Catia Gomes



Proposer's solution

This proposal looks to extend the Gate 2 concept and some features of Gate 1 (outlined in CMP434) to existing in scope (as set out in Element 3 in the Draft Final Modification Report) connection contracts (as set out in the CUSC). This means that for all in scope existing connection contracts, project developers will need to provide evidence of their project(s) meeting the (new proposed) Gate 2 criteria by the deadline (which, at the time of publication of this report, is expected to be in Q2 2025, but after the implementation date and as further described in Element 19 of the Draft Final Modification Report). If a project meets the Gate 2 criteria, then the project will enter a process for it to be provided (as set out in Element 19) with a Gate 2 Offer and the developer will also be able to apply, if they wish, for an advanced connection date for their project. The intention is that a specific queue position for a developer will be based upon the proposed new Gate 2 Criteria Methodology and proposed new Connections Network Design Methodology.

If an existing project does not meet the proposed Gate 2 criteria by the deadline (which, at the time of publication of the Draft Final Modification Report, is expected to be in Q2 2025, but after the implementation date and as further described in Element 19), then their existing transmission queue position will be nullified and their existing contract with NESO will be transitioned to a Gate 1 style contract which will include an indicative connection point and an indicative connection date – and as a result they will not retain their current connection point, connection date (as set out in their existing contractual arrangements with NESO), or transmission queue position. If and when such projects meet the Gate 2 criteria at a later date then they can apply through a Gate 2 process, as proposed within CMP434. Where this scenario relates to either a DNO or a transmission-connected Independent Distribution Network Operator (iDNO) contract with NESO (in respect of Relevant Small and Medium Embedded Generation), then that contract will also be updated in-line with the above, except there will not be an indicative connection point and indicative connection date for such embedded projects. The process for contractual changes is covered in more detail in Element 19 within the Draft Final Modification Report.

Alternative Solution

Summary of alternative solutions and implementation dates: WACM1 - Proposed solution:

The results of the Gate 2 compliance check should be published – including any revised Transmission Entry Capacity (TEC) or technology change requests.

A 2–4-week pause should be implemented for Gate 2 qualified applicants to assess the viability of their projects in light of updated competitor information, to understand the Clean Power Plan for 2030 (CPP30) regional technology quota proposals that will emerge, and any NESO project designation activity that has been undertaken at that point.

Parties could then choose to either submit an application for capacity advancement, keep their project as is or withdraw.

The TO/NESO network investment would then proceed as under the Original proposal, but in the WACM Proposer's view with a much more credible portfolio of generation projects which will reduce the risk of stranded assets and consumer costs.

Implementation would be in-line with the Original proposal's implementation approach.

Code Administrator Consultation Responses

Summary of Code Administrator Consultation Responses :

Code Administrator Consultation was run from 08/11/2024 to 26/11/2024 and received thirty-nine non-confidential responses including three late responses and four confidential responses.

Key points were:

Support for Reform and the CMP435 Proposals:

- Many respondents agreed that the need for reform and the CMP435 proposals are essential to address (or contribute to addressing) the inefficiencies in the current connections process.

Concerns About Methodologies and Codification:

- Several respondents expressed concerns about the reliance on methodologies and guidance documents that are not codified within the CUSC but integral to delivery of the reform being introduced by the CUSC modifications.

Code Administrator Consultation Responses

Concerns About Methodologies and Codification (continued):

- Numerous responses referenced the need for legal certainty and codification of methodologies within the CUSC to avoid potential changes impacting project development risk.
- There were calls for more transparency and the need for these methodologies to be subject to robust governance and industry input.

Project Designation and Capacity Reservation:

- There were mixed views received on the inclusion of Project Designation and Capacity Reservation powers for NESO. Some believed these powers are necessary for strategic planning, while others feared they could lead to unfair advantages and market distortions.

Code Administrator Consultation Responses

Embedded Generation and DNO Processes:

- There were significant concerns expressed about the impact of the proposed changes on embedded generation projects and the role of Distribution Network Operators (DNOs).
- Respondents called for clearer processes and obligations for DNOs to ensure that embedded generation projects are not disadvantaged.

Queue Management and Milestones:

- Views were expressed that the current process and milestones should be sufficient for accelerating existing projects/excluding speculative projects.
- Some respondents suggested that the queue management process needs to be reviewed and potentially revised to align better with the new proposals.

Code Administrator Consultation Responses

Support for WACM1:

- For those supporting it, WACM1 was seen as beneficial to providing additional data for developers to make informed decisions, and for introducing a pause for market self-regulation.

Need for Continuous Improvement and Flexibility:

- There was a recognition that the proposed changes are a step in the right direction, but there was also a call for continuous improvement and flexibility to adapt to future needs and challenges.
- It was emphasised that learning from the implementation and refining the processes based on feedback and practical experience would be important.

Code Administrator Consultation Responses

Impact on Investor Confidence:

- Responses expressed concerns that the Proposal risks jeopardising existing generation users and the potential impact on investor confidence due to the uncertainty and changes introduced by the proposed reforms.
- Ensuring transparency, clear communication, and minimising disruptions to existing projects was seen as critical to maintaining investor confidence.

Potential areas of legal challenge

- A small number of respondents referenced questions raised by the Proposals which could allow for potential legal challenge following implementation of the reform package. These included the impact on having clear Terms and Conditions from the use of the related methodologies, possible delays due to potential misalignment of the methodologies with CMP435, a lack of Government/Authority mandate or supporting legislation for the proposals and consequences of DNOs' limited time to re-order the Distribution queue and notify Distribution customers.

Code Administrator Consultation Responses

Alignment with Clean Power 2030 and Net Zero Targets:

- Many respondents highlight the importance of aligning the proposed reforms with the Clean Power 2030 and Net Zero targets.
- There is support for prioritising projects that are ready and needed to meet these targets, but also concerns about the potential for delays and the need for exemptions for well-advanced projects.

Implementation Approach:

- Responses generally supported the proposed approach but the need for clear calendar dates, realistic timelines and co-ordination across industry and other implementations was emphasised.
- The administrative burden and complexity of the approach, and interdependencies with other reform changes were noted in responses.
- Calls were made for exemptions for well-advanced projects and clarity on the Distribution queue re-ordering prior to implementation.

Code Administrator Consultation Responses

EBR issues raised in the consultation:

Thirty-four respondents agreed with the Workgroup's assessment that the modification does not impact the Electricity Balancing Regulation. One of these respondents noted that they agreed with the assessment but that the modification may not comply with other legislation such as retained law relating to clear terms and conditions.

One respondent felt that they were unable to respond to the question on EBR as the consultation period was extremely short.

One respondent felt that they were unable to response to the question on EBR as they were not well placed to do so.

Two respondents left no response or no comment in response to the EBR question.

One Respondent believed there was an EBR impact and gave the following comment:

This will delay progressive users to get on the system to manage the balancing of the system with clean energy.

NESO supplied the following response for the DFMR:

The Workgroup reviewed whether there was an EBR impact as part of their Terms of Reference and concluded that there was no impact. CUSC Exhibit Y shows mapping of CUSC Sections to the EBR Article 18 Terms and Conditions for Balancing Services Providers and Balancing Responsible Parties to the CUSC. No legal text sections identified within the CUSC Exhibit Y mapping table are impacted as part of CMP435.

Code Administrator Consultation Responses

Legal Text Changes:

Numerous Legal Text queries were raised through the Code Administrator Consultation.

Please see Annex 15 'CMP435 Code Administrator Consultation Legal Text Queries' for a list of those queries and the Proposer's response from NESO's legal team.

In today's Panel meeting we will first review the legal text queries deemed by the Code Administrator to be clear 'typographical' changes, i.e. with no effect to intent, meaning or effect of the wording, for agreement to amend within the legal text.

These changes have been prepared within the legal text documents in Annex 16, subject to Panel agreement, and are marked in green in the queries spreadsheet, Annex 15, and slides 32- 33.

Following that, we will review any legal text queries requiring a Panel decision (see the choices for Panel decisions on the next slide).

Code Administrator Consultation – Legal Text Changes. What do the CUSC Governance Rules say?

- 8.23.4 A draft of the **CUSC Modification Report** shall be tabled at the **Panel Meeting** prior to submission of that **CUSC Modification Report** to the **Authority** as set in accordance with the timetable established pursuant to Paragraph 8.19.1 at which the Panel may consider any minor changes to the legal drafting, which may include any issues identified through the **Code Administrator’s** consultation and:
- (i) if the change required is a typographical error the **CUSC Modifications Panel** may instruct the **Code Administrator** to make the appropriate change and the **Panel Chairman** will undertake the **CUSC Modifications Panel Recommendation Vote**; or
 - (ii) if the change required is not considered to be a typographical error then the **CUSC Modifications Panel** may direct the **Workgroup** to review the change. If the **Workgroup** unanimously agree that the change is minor the **CUSC Modifications Panel** may instruct the **Code Administrator** to make the appropriate change and the **Panel Chairman** will undertake the **CUSC Modifications Panel Recommendation Vote** otherwise the **Code Administrator** shall issue the **CUSC Modification Proposal** for further **Code Administrator** consultation after which the **Panel Chairman** will undertake the **CUSC Modifications Panel Recommendation Vote**.
 - (iii) if a change is not required after consideration, the **Panel Chairman** will undertake the **CUSC Modifications Panel Recommendation Vote**.

Code Admin must present the proposed legal text changes

Panel have 3 choices:

- **Agree the changes are typographical and instruct Code Admin to make the change under 8.23.4(i). Then we carry out Recommendation Vote; or**
- **Agree the changes are not needed under 8.23.4(iii). Then we carry out Recommendation Vote; or**
- **Under 8.23.4(ii) Direct the Workgroup to review the changes or ask for a further Code Administrator Consultation to be issued**

Proposed typographical changes for Panel agreement (1/2)

Legal Text (Exhibit, Schedule, Section)	Consulted Legal Text	Query	Code Provisionally Updated ahead of Panel approval	Provisional Response
Original and WACMI: Section 11	The definition of Existing Agreements	The definition of Existing Agreements includes 'Paragraph 18.5 above' and the word 'above' should be removed.	Yes	Updated to definition of Existing Agreements to remove the word "above"
Original and WACMI: Section 11	The definition of Gate 1 ATV	The definition of Gate 1 ATV includes 'Paragraph 18.13 above' and the word 'above' should be removed.	Yes	Updated to definition of Gate 1 ATV to remove the word "above"
Original and WACMI: Section 18	18.5.7	18.5.7 The word 'For' at the start of the Paragraph should not be in bold.	Yes	Updated 18.5.7 to unbold the word "For"
Original and WACMI: Section 18	18.6	18.6 There is a capital 'I' on the word 'is' in the final row of the Paragraph.	Yes	Updated 18.6 to change the "I" in "is" to lowercase
Original and WACMI: Section 18	18.7	18.7 The comma should be before the word 'or' in the second row of the Paragraph.	Yes	Updated 18.7 to move the comma to before the word "or" with the updated text reading: "Where an EA Request is not submitted within the EA Request Window, is not Effective, or a..."
Original and WACMI: Section 18	18.7	18.7 The last word in the Paragraph 'followed' has a bold 'd.' which should not be in bold.	Yes	Updated 18.7 to unbold the letter "d" in "followed"
Original and WACMI: Section 18	18.8.2	18.8.2 There is a bold 'a' in the third row of the Paragraph which should not be in bold.	Yes	Updated 18.8.2 to unbold the "a" in the third row of the Paragraph
Original and WACMI: Section 18	18.10.1	18.10.1 missing bracket ")" at the end of the sentence.	Yes	Updated 18.10.1 to add in a missing closing bracket
Original and WACMI: Section 18	18.10.1	18.10.1 The closing bracket within this Paragraph is missing.	Yes	
Original and WACMI: Section 18	18.10.2	18.10.2 The number '10' is in bold in '10 Business Days' and should not be in bold.	Yes	Updated 18.10.2 to un-bold the number "10" in "10 Business Days"

Proposed typographical changes for Panel agreement (2/2)

Legal Text (Exhibit, Schedule, Section)	Consulted Legal Text	Query	Code Provisionally Updated ahead of Panel approval	Provisional Response
Original and WACMI: Section 18	18.10.1.3	18.10.1.3 There is a full stop after 'Original Red Line Boundaries' which should be a comma.	Yes	Updated 18.10.1.3 to replace a full stop that appears after "Original Red Line Boundaries" with a comma
Original and WACMI: Section 18	18.10.2	18.10.2 'Gate 2 Status' is not a defined term and therefore should not be in bold and instead put in quotation marks i.e. 'Gate 2 Status'.	Yes	Updated 18.10.2 to unbold "Gate 2 Status" and instead put this in quotation marks
Original and WACMI: Section 18	18.12.2	18.12.2 There is an extra space after the 'and' in the second row of the Paragraph that should be removed.	Yes	Updated 18.12.2 to remove the additional space after "and" in the second row
Original and WACMI: Section 18	18.13.2	18.13.2 The 's' on the end of 'Existing Agreements' should also be in bold.	Yes	Updated 18.13.2 to make the "s" in "Existing Agreements" also bold
Original and WACMI: Section 18	18.13.5.2	18.13.5.2 The word 'or' should be outside the opening bracket, rather than being the first word inside.	Yes	Updated 18.13.5.2 to move the word "or" to outside of the opening bracket to now read: "...other than to include a new or (where it already exists) a replacement Appendix..."
Original and WACMI: Section 18	18.13.5.4	18.13.5.4 There is a stray space at the start of the Paragraph that should be removed.	Yes	Updated 18.13.5.4 to remove the additional space at the start of the Paragraph
Original and WACMI: Section 18	18.13.5.7	18.13.5.7 The word 'Line' needs to be capitalised, and a full stop added to the end of the sentence.	Yes	Updated 18.13.5.7 to capitalise the word "Line" and add a full stop to the end of the sentence
Original and WACMI: Section 18	18.14.2.2	18.14.2.2 Should remove the unnecessary first bracket on the third line of the Paragraph so it reads 'add a new Appendix for User Data/Developer Data or update (if it exists) to include the Installed Capacity data'.	Yes	Updated 18.14.2.2 to remove the first bracket on the third line of the Paragraph so that it now reads: "...add a new Appendix for User Data/Developer Data or update (if it exists) to include the Installed Capacity data;"
Original and WACMI: Section 18	18.16.1	Un-embolden "for a" in the line 'triggered by Embedded Power Stations and the Existing Agreements for a Project with the Embedded Power Stations'.	Yes	Updated 18.16.1 to unbold "for a" from the line "triggered by Embedded Power Stations and the Existing Agreements for a Project with the Embedded Power Stations"
Original and WACMI: Section 18	18.16.3	18.16.3 It should be changed to 'Gate 2 Existing Agreements' and not 'Existing Gate 2 Agreements'.	Yes	Updated 18.16.3 to "Gate 2 Existing Agreements" as this the defined term.

CMP435 – the asks of Panel

- **AGREE** whether or not the additional changes to the legal text in Annex 16 are typographical
- **AGREE** the following for the other changes featured in the legal text spreadsheet (Annex 15):
 - Is the change typographical?
 - Is a change required?
 - If not, does the change need to be raised with the Workgroup and/or require a second Code Administrator Consultation to be issued?
- **VOTE** whether or not to recommend implementation
- **NOTE** next steps on the ongoing timeline

CMP435 Next Steps

Milestone	Date
Draft Final Modification Report presented to Panel	13 December 2024
Final Modification Report issued to Panel to check votes recorded correctly	20 December 2024
Submission of Final Modification Report to Ofgem	20 December 2024
Ofgem decision date	Q1 2025
Implementation Date	Q2 2025

Activities ahead of the next Panel Meeting

Transmission Charging Methodologies Forum	09 January 2025
Modification Proposal Deadline for January Panel	16 January 2025
Papers Day	23 January 2025
Panel Meeting	31 January 2025 Faraday House

Close

Trisha McAuley, OBE

Independent Chair, CUSC Panel