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Code Administrator Consultation Response Proforma

CMP435: Application of Gate 2 Criteria to existing contracted background

Industry parties are invited to respond to this consultation, expressing their views and supplying the rationale for those views, particularly in respect of any specific questions detailed below.

Please send your responses to cusc.team@nationalenergyso.com by **5pm GMT on 26 November 2024**. Please note that any responses received after the deadline or sent to a different email address will not be accepted.

Please be aware that late responses will not be accepted.

If you have any queries on the content of this consultation, please contact elana.byrne@nationalenergyso.com and catia.gomes@nationalenergyso.com or cusc.team@nationalenergyso.com

Respondent details	Please enter your details	
Respondent name:	Claire Hynes & Tim Ellingham	
Company name:	RWE Renewables (Swindon) Ltd & RWE Supply & Trading Ltd	
Email address:	Claire.hynes@rwe.com or tim.ellingham@rwe.com	
Phone number:	07787273960	
Which best describes your organisation?	<input type="checkbox"/> Consumer body <input type="checkbox"/> Demand <input type="checkbox"/> Distribution Network Operator <input checked="" type="checkbox"/> Generator <input type="checkbox"/> Industry body <input type="checkbox"/> Interconnector	<input type="checkbox"/> Storage <input type="checkbox"/> Supplier <input type="checkbox"/> System Operator <input type="checkbox"/> Transmission Owner <input type="checkbox"/> Virtual Lead Party <input type="checkbox"/> Other

I wish my response to be:

(Please mark the relevant box)

☒ **Non-Confidential** (this will be shared with industry and the Panel for further consideration)

☐ **Confidential** (this will be disclosed to the Authority in full but, unless specified, will not be shared with the Panel or the industry for further consideration)

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For reference, the Applicable CUSC (non-charging) Objectives are:

- a) *The efficient discharge by the Licensee of the obligations imposed on it by the Act and the Transmission Licence;*
- b) *Facilitating effective competition in the generation and supply of electricity, and (so far as consistent therewith) facilitating such competition in the sale, distribution and purchase of electricity;*
- c) *Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency *; and*
- d) *Promoting efficiency in the implementation and administration of the CUSC arrangements.*

**The Electricity Regulation referred to in objective (c) is Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast) as it has effect immediately before IP completion day as read with the modifications set out in the SI 2020/1006.*

Please express your views in the right-hand side of the table below, including your rationale.

Standard Code Administrator Consultation questions						
1	Please provide your assessment for the proposed solution(s) against the Applicable Objectives?	Mark the Objectives which you believe the proposed solution(s) better facilitates:				
		<table border="1"> <tr> <td>Original</td> <td><input checked="" type="checkbox"/>a <input type="checkbox"/>b <input type="checkbox"/>c <input checked="" type="checkbox"/>d</td> </tr> <tr> <td>WACM1</td> <td><input checked="" type="checkbox"/>a <input type="checkbox"/>b <input type="checkbox"/>c <input checked="" type="checkbox"/>d</td> </tr> </table>	Original	<input checked="" type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input checked="" type="checkbox"/> d	WACM1	<input checked="" type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input checked="" type="checkbox"/> d
		Original	<input checked="" type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input checked="" type="checkbox"/> d			
WACM1	<input checked="" type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input checked="" type="checkbox"/> d					
The barriers introduced to remove speculative projects from the connection queue and alignment of the treatment of the existing connection queue with the new transmission connection arrangements should lead to a more efficient administration of the CUSC arrangements and the licence obligations under Objective (a) and (d) for both the original and WACM 1.						
2	Do you have a preferred proposed solution?	<input type="checkbox"/> Original <input checked="" type="checkbox"/> WACM1 <input type="checkbox"/> Baseline				

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		<input type="checkbox"/> No preference
		<p>Our overall preference is for WACM 1 which proposes a 'pause' period which we consider is beneficial for promoting greater efficiency in the implementation and administration of these arrangements than the original.</p>
3	Do you support the proposed implementation approach?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
		<p>Yes, we agree that the submission window should open 4 weeks after the implementation date. We suggest that NESO should consider elongating the evidence submission window from the minimum of two weeks to at least 4 weeks in line with CMP434. This will give parties sufficient time to submit the information required and for any glitches in the connections portal system which will receive heavy use by all parties. Alternatively, parties could pre-upload their evidentiary documents which would then automatically submit to the connection portal system in batches for processing in the background when the evidence submission window opens. This could reduce the potential for parties excessive activity demands overloading the system and causing system failure.</p>
4	Do you have any other comments?	<p>Since the advent of CP30, we have become increasingly concerned about the cliff edge that would occur for projects that fail Gate 2 checks due to inadequate evaluation of the evidence submitted (resulting in a dispute process) which prevents heavily invested existing project's from partaking in the connection queue reordering process. The projects technology type and the capacity available may be fully subscribed for the next ten years out to 2035 by the time that the project can reapply even if the decision is</p>

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		<p>upheld by an independent arbitration association in favour of the project.</p> <p>We ask NESO to consider whether a short window of dispute should be introduced if the project's Gate 2 evidence is not deemed competent to give it an opportunity to meet the criteria and enter the queue on-time, should a misunderstanding have occurred.</p>
5	Do you agree with the Workgroup's assessment that the modification does not impact the Electricity Balancing Regulation (EBR) Article 18 terms and conditions held within the CUSC?	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>To the best of our knowledge, we do not consider that Article 18 of the EBR is impacted by this change.</p>