

# CM066: National Grid Legal Separation - consequential changes to reference NGENSO in STC Section G and to place Nuclear Site Licence Provisions Agreement obligations on NGET for England and Wales

01	Initial Modification Report
02	Industry Consultation
03	Draft Final Modification Report
04	Final Modification Report

**Purpose of Modification:** This proposal seeks to modify the System Operator Transmission Owner Code (STC) to reflect the creation of a new National Grid Electricity System Operator (NGESO) that is legally separated from National Grid Electricity Transmission Limited. Where relevant, references to NGET throughout Section G in order to ensure the obligations on the System Operator and Transmission Owner are clear. It also seeks to modify Section G of the System Operator Transmission Owner Code (STC) to place Nuclear Site Licence Provisions Agreement obligations on NGET for England and Wales.







This Final Modification Report has been prepared in accordance with the terms of the STC. An electronic version of this document and all other CM066 related documentation can be found on the National Grid website via the following link:

<https://www.nationalgrideso.com/codes/system-operator-transmission-owner-code/modifications/national-grid-legal-separation-4>

At the STC Panel meeting on 29 August 2018, the Panel members unanimously recommended that CM066 should be implemented.

The purpose of this document is to assist the Authority in making its determination


	on the proposed implementation of CM066.
	<b>High Impact:</b> None
	<b>Medium Impact</b> None
	<b>Low Impact</b> National Grid, Scottish Power Transmission, SHE Transmission, Offshore Transmission Owners

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Timetable		
STC Modification Proposal tabled at the STC Panel		25 April 2018
Panel agreed standard governance route		25 April 2018
Issue Industry Consultation for 20 Business days		31 May 2018
Industry Consultation Closes		28 June 2018

 Any questions?

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Issue draft STC Modification Report to Industry and Authority for 5 Working days	9 July 2018	
Panel to agree Final STC Modification Report	29 August 2018	
Final STC Modification Report issued to the Authority	1 November 2018	
Indicative Authority Decision	6 December 2018	
Implementation	1 April 2019	

## Proposer Details

<b>Details of Proposer:</b> (Organisation Name)	NGET
Capacity in which the STC Modification Proposal is being proposed:  (i.e. STC Party, Party Representative or person or persons having a relevant interest as may be designated in writing for this purpose by the Authority)	STC Party
<b>Details of Proposer's Representative:</b>  Name: Organisation: Telephone Number: Email Address:	Bec Thornton NGET 07887 822443 <a href="mailto:Bec.thornton@nationalgrid.com">Bec.thornton@nationalgrid.com</a>
<b>Details of Representative's Alternate:</b>  Name:	John Martin

Organisation:	NGET
Telephone Number:	07794 050359
Email Address:	<a href="mailto:John.martin2@nationalgrid.com">John.martin2@nationalgrid.com</a>
<b>Attachments (Yes):</b>	
STC Section G – General Provisions	
<u>For information:</u>	
<ol style="list-style-type: none"> <li>1. Modification Proposals for other Sections and Schedules of the STC (except for Schedules 2 and 14 as no changes are required) will be submitted to the STC Modification Panel in parallel to this one.</li> </ol>	

## Impact on Core Industry Documentation.

*Please mark the relevant boxes with an “x” and provide any supporting information*

<b>BSC</b>	<input type="checkbox"/>
<b>Grid Code</b>	<input type="checkbox"/>
<b>CUSC</b>	<input type="checkbox"/>
<b>Other</b>	<input type="checkbox"/>

Although this modification proposal does not directly impact other industry codes, other proposed code modifications (Grid Code, CUSC, BSC, Distribution Code, DCUSA, SQSS) are being simultaneously raised to other industry codes as a result of creating a legally separate System Operator.

## 1 Summary

This document is the Final STC Modification Report document that contains the responses to the Industry Consultation that was issued on 31 May 2018 for 20 Working days. contains the responses to CM066 Industry Consultation that was issued on 31 May 2018 for 20 Working days.

CM066 aims to modify the System Operator Transmission Owner Code (STC) to reflect the creation of a new National Grid Electricity System Operator (NGESO) that is legally separated from National Grid Electricity Transmission Limited. Where relevant, references to NGET throughout Section G in order to ensure the obligations on the System Operator and Transmission Owner are clear. It also seeks to modify Section G of the System Operator Transmission Owner Code (STC) to place Nuclear Site Licence Provisions Agreement obligations on NGET for England and Wales.

One response was received to the Industry Consultation which supported the modification. This response can be found in Annex 2 of this document.

At the STC Panel on 29 August 2018 the Panel voted on CM066 against the Applicable STC Objectives. The STC Panel unanimously agreed that CM066 better facilitates the STC Objectives, in particular object (a) efficient discharge of the obligations imposed upon transmission licensees by transmission licences and the Act' and recommended that it should be implemented.

The Final Modification Report has been prepared in accordance with the terms of the STC. An electronic copy can be found on the National Grid Website <https://www.nationalgrideso.com/codes/system-operator-transmission-owner-code/modifications/national-grid-legal-separation-4> along with the STC Modification Proposal Form.

<sup>1</sup> [https://www.nationalgrid.com/sites/default/files/documents/34844-4\\_SECTION\\_B\\_V15.pdf](https://www.nationalgrid.com/sites/default/files/documents/34844-4_SECTION_B_V15.pdf) (clause 7.2.5.11)

## 2 Original Proposal

### Defect

The STC defines the relationship between the Transmission System Owners and National Grid as the National Electricity Transmission System Operator (NETSO).

On 1 April 2019 and following legal separation of the System Operator and Transmission Owner within National Grid Group, the STC will no longer place the correct relevant obligations on those two National Grid entities.

The STC currently states the Nuclear Site Licence Provisions Agreement (NSLPA) obligations on Scottish Power Transmission for Scotland, not on Transmission Owners. NGET has the same obligations for England and Wales, but this is currently in the Grid Code. When NGET becomes a Party to the STC as an Onshore Transmission Owner, there will be no obligations in the Grid Code covering this for England and Wales.

## What

This proposal aims to modify the structure of the STC to introduce the new NGESO legal entity, and the existing NGET legal entity in a new role as a relevant transmission licensee.

In addition, to the above, in Section G, NGET will need to have the NSLPA obligations placed on them for England and Wales.

The relevant obligations of the System Operator will move to NGESO and National Grid Electricity Transmission plc (NGET) as a Transmission Owner will reflect obligations already in the STC that currently apply to Onshore Transmission Owners.

## Why

In order to implement legal separation, changes are required to NGET's existing licence required to implement legal separation; all system operator obligations will be transferred into a new transmission licence for the NGESO and as such need to be reflected accordingly within the electricity codes. The licence changes are the subject of ongoing consultation<sup>1</sup>.

NSLPA obligations for England and Wales are currently in the Grid Code, but when Legal separation goes ahead, NGET will not be a party to the Grid Code, so the NSLPA obligations on NGET as a Transmission Owner will be lost.

## How

On 22 September 2017, NGET published an open letter on its approach to modifying the relevant Industry Codes on 22 September 2017<sup>2</sup> stating that NGET intended to raise one Code Modification proposal for each Industry Code, but further work into assessing the changes required means that for the STC, 5 modifications need to be raised. CM066 is the one of these.

In addition, to the above, in Section G, NGET will have NSLPA obligations placed on them as the Onshore Transmission Owner for England and Wales.

## 3 Proposer's Solution

Following the joint statement issued by BEIS, Ofgem and National Grid on 12 January 2017 entitled "Statement on the future of Electricity System Operation" and the subsequent consultation response by Ofgem on ESO separation on 3 August 2017<sup>3</sup>, the obligations in the STC will need to be modified to reflect the System Operator requirements and to place the current Transmission Owner requirements on NGET as a Transmission Owner.

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<sup>1</sup> [Future Arrangements electricity System Operator Informal consultation on ESO Licence Drafting](#)

<sup>2</sup> NGET's Open Letter [Open Letter 22 Sept 2017](#)

<sup>3</sup> Ofgem's Consultation Response [Future Arrangements Electricity System Operator Ofgem Response](#)

NGET and NGESO will become separately licensed entities as a consequence of NGET partially transferring its existing licence to NGESO (the System Operator elements only) to NGESO under section 7A Electricity Act 1989 and NGET will retain the Transmission Owner elements.

NGET has been replaced by NGESO where relevant throughout the STC Sections and Schedules in order to ensure the SO and TO obligations are clear.

In Section D, Paragraph 3, actions in relation to NLSPAs will reference NGET as well as Scottish Power Transmission Ltd.

## 4 Governance

### Justification for Standard Governance Route

On 25 April 2018, all STC Panel Representatives reviewed the STC Modification Proposal and unanimously agreed that CM066 should be progressed along the standard governance route firstly being issued to Industry Consultation for 20 working days and be submitted to the Authority for decision.

## 5 Industry Consultation Responses

One response was received to the Industry Consultation. The full response can be found under Annex 2 of this document. The respondent agreed that the proposal helps achieve legal separation of NGET's SO and TO functions. They stated that it better facilitates objectives (a) and (e) in fulfilling what will be a licence obligation and in promoting good industry practice, noting the principle of these changes is that there is no betterment.

## 6 Impacts and Other Considerations

All parties to the STC are impacted to the extent that the relationship between all the Transmission Owners will change to be with NGESO not NGET.

### Does this modification impact a Significant Code Review (SCR) or other significant industry change projects, if so, how?

N/A

### Consumer Impacts

N/A

## 7 Code Specific Matters

### Technical Skillsets

Not applicable for this Modification.

## 8 Relevant STC Applicable Objectives

Relevant Objective	Identified impact
(a) efficient discharge of the obligations imposed upon transmission licensees by transmission licences and the Act	Positive
(b) development, maintenance and operation of an efficient, economical and coordinated system of electricity transmission	
(c) facilitating effective competition in the generation and supply of electricity, and (so far as consistent therewith) facilitating such competition in the distribution of electricity	
(d) protection of the security and quality of supply and safe operation of the national electricity transmission system insofar as it relates to interactions between transmission licensees	
(e) promotion of good industry practice and efficiency in the implementation and administration of the arrangements described in the STC.	
(f) facilitation of access to the national electricity transmission system for generation not yet connected to the national electricity transmission system or distribution system;	
(g) compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency.	



The Proposer believes that this change will better facilitate relevant objective (a), by attributing the appropriate obligations to NGENSO as System Operator and the Transmission owners in accordance with the new NGENSO Transmission Licence and modified NGET Transmission Licence obligations.

## 9 Panel Recommendation Vote

On 29 August 2018, the STC Panel held their recommendation vote on CM066. The Panel unanimously agreed that CM066 better facilitated STC applicable objective (a) efficient discharge of the obligations imposed upon transmission licensees by transmission licences and the Act'.

The views of the STC Panel were as follows:

### **National Grid**

National Grid voted that Modification Proposal CM066 better facilitated STC applicable objective (a) efficient discharge of the obligations imposed upon transmission licensees by transmission licences and the Act'.

### **Offshore Transmission Owners (OFTOs)**

The OFTO group voted that Modification Proposal CM066 better facilitated STC applicable objective (a) efficient discharge of the obligations imposed upon transmission licensees by transmission licences and the Act'.

### **(SHET) Scottish Hydro Electric Transmission**

(SHET) Scottish Hydro Electric Transmission voted that Modification Proposal CM066 better facilitated STC applicable objective (a) efficient discharge of the obligations imposed upon transmission licensees by transmission licences and the Act'.

### **SP Transmission Limited (SPT)**

SP Transmission voted that Modification Proposal CM066 better facilitated STC applicable objective (a) efficient discharge of the obligations imposed upon transmission licensees by transmission licences and the Act'.

## 10 Implementation & Transition

Legal text for CM066 has been drafted using the baseline of April 2018 STC text and as the modification progresses through the governance process, the baseline text may need to be revised in light of Business as Usual modifications to the STC. The Code Administrator will ensure that the Proposer and Panel are aware of any Business as Usual Modification Proposals that may require subsequent modifications prior to 1 April 2019.

CM066 may require transitional changes to the STC and these will be discussed with the STC Panel and drafted into the legal text CM066 as and when the Proposer becomes aware of these.

CM066 together with the other four associated STC Modification proposals and the associated STC novation agreement in respect of National Grid's legal separation are all interdependent and as such, are all required to be implemented as a single update to the STC on 1<sup>st</sup> April 2019 following The Authority's determination.

## 11 Legal Text

### Text Commentary

In Section D, Paragraph 3, actions in relation to NLSPAs will reference NGET as well as Scottish Power Transmission Ltd.

Please refer to Annex 1 for proposed text.

## 12 Annex 1- Legal Text

The legal text for CM066 can be found on National Grid's website via the following link:

<https://www.nationalgrideso.com/codes/system-operator-transmission-owner-code/modifications/national-grid-legal-separation-4>

## 13 Annex 2- Industry Consultation Response

Table 1: Response Proforma

<b>Respondent:</b>	<i>Rob Wilson</i>
<b>Company Name:</b>	<i>NGET</i>
<b>Please express your views regarding the Industry Consultation, including rationale. (Please include any issues,</b>	For reference, the Applicable STC objectives are:  (a) efficient discharge of the obligations imposed upon transmission

<p><b>suggestions or queries)</b></p>	<p>licensees by transmission licences and the Act</p> <p>(b) development, maintenance and operation of an efficient, economical and coordinated system of electricity transmission</p> <p>(c) facilitating effective competition in the generation and supply of electricity, and (so far as consistent therewith) facilitating such competition in the distribution of electricity</p> <p>(d) protection of the security and quality of supply and safe operation of the national electricity transmission system insofar as it relates to interactions between transmission licensees</p> <p>(e) promotion of good industry practice and efficiency in the implementation and administration of the arrangements described in the STC.</p> <p>(f) facilitation of access to the national electricity transmission system for generation not yet connected to the national electricity transmission system or distribution system;</p> <p>(g) compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency.</p>	
Q	Question	Response
1	<p><b>Do you believe that CM066 better facilitates the STC objectives? Please include your reasoning.</b></p>	<p>This modification helps to achieve legal separation of NGET's SO and TO functions. As such it better facilitates objectives (a) and (e) in fulfilling what will be a licence obligation and in promoting good industry practice.</p> <p>The principle of these changes is that there is no betterment.</p>
2	<p><b>Do you support the proposed implementation approach? If not, please provide reasoning why.</b></p>	<p>Yes</p>
3	<p><b>Do you have any other comments?</b></p>	<p>No</p>