



National Grid

CONSULTATION DOCUMENT

CUSC Amendment Proposal CAP022

Urgent Amendment Proposals – Review Process

*The purpose of this document is to
consult on Amendment Proposal CAP022
with CUSC Parties and other interested
Industry members*

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I DOCUMENT CONTROL**a National Grid Document Control**

Version	Date	Author	Change Reference
0.1	6/8/02	National Grid	Initial Draft for internal comment
1.0	8/8/02	National Grid	Formal version for release

b Document Location

National Grid website:

http://www.nationalgridinfo.co.uk/cusc/mn_consultation_index.html

c Distribution

Name	Organisation
CUSC Parties	Various
Panel Members	Various
Interested Parties	Various
Core Industry Document Owners	Various
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1.0 SUMMARY

- 1.1 CAP022 was proposed by National Grid and submitted to the Amendments Panel for consideration at their meeting on 26th July 2002. The Amendments Panel determined that CAP021 should go straight to wider industry consultation.
- 1.2 CAP022 proposes that the Amendments Panel are required to establish 'Urgent Review Groups' to carry out an assessment of implemented Urgent Amendment Proposals and whether there is any Alternative Amendment that might better facilitate the Applicable CUSC Objectives.
- 1.3 This document initiates this wider industry consultation process and invites views on CUSC Amendment Proposal CAP022. The consultation closing date is **5th September 2002**.

2.0 INTRODUCTION

- 2.1 This consultation document is issued by National Grid under the rules and procedures specified in the Connection and Use of System Code (CUSC) as designated by the Secretary of State.
- 2.2 This document outlines the nature of the CUSC changes that are proposed and seeks views from industry members relating to Amendment Proposal CAP022. Representations received in response to this consultation document will be included in National Grid's Amendment Report that will be furnished to the Authority for their decision.
- 2.3 This consultation document has been prepared in accordance with the terms of the CUSC. An electronic copy can be found on the National Grid website, at <http://www.nationalgrid.com/uk/indinfo/cusc>, along with a copy of the Amendment Proposal.

3.0 THE AMENDMENT PROPOSAL

- 3.1 CAP022 proposes that the Amendments Panel establish a separate group, an "Urgent Review Group" to carry out reviews of implemented Urgent Amendment Proposals. The draft text to give effect to CAP022 is contained at Annex 1.
- 3.2 The current CUSC is unclear as to how the review of an implemented Urgent Amendment is initiated. Paragraph 8.21.8 of the CUSC states that on implementation of an Urgent Amendment the Amendments Panel shall initiate the Amendment Procedures to consider whether any Alternative Amendment could better facilitate the Applicable CUSC Objectives. The Amendment Procedures are initiated by an Amendment Proposal and Paragraph 8.15.1 provides that an Amendment Proposal may be submitted by the Amendments Panel under Paragraph 8.15.8 (on implementation of an Urgent Amendment). However, this route is not appropriate or practicable for initiating a 'review' of an implemented Urgent Amendment as some of the mandatory information that is required for a valid Amendment Proposal is unclear. This is because a valid proposal is required to contain a description of the issue or defect which the proposal seeks to address and this is not identifiable since the implemented Urgent Amendment will have already addressed the defect.

- 3.3 During drafting of CAP022, consideration was given to use of a Working Group or a Standing Group to undertake such reviews, however these routes were not considered feasible. The definition of a Working Group provides that one may only be established to evaluate an Amendment Proposal in accordance with Paragraph 8.15.2 and hence if there is no valid Amendment Proposal it is not possible to loop such reviews back into the process via a Working Group. There may be exceptions to this in cases where during assessment of an Urgent Amendment Proposal a party identifies a possible better solution and proposes it as an Amendment Proposal. In such cases the Working Group could assess the new Amendment Proposal and the Amendments Panel could extend their Terms of Reference to cover the review of the original issue of the implemented Urgent Amendment Proposal. Regarding the use of Standing Groups to carry out the reviews, the view of the Governance Standing Group and National Grid was that the intention behind Standing Groups in the CUSC is that they be established for the consideration of wider issues concerning the connection and use of system arrangements in England and Wales, as provided by Paragraph 8.18.1. The utilisation of Standing Groups for the detailed review of issues addressed by an implemented Urgent Amendment would not be appropriate and so should be avoided.
- 3.4 Amendment of the CUSC to provide for a separate group (an “Urgent Review Group”) to be established by the Amendments Panel to carry out reviews of implemented Urgent Amendments is considered to be the most transparent and effective way forward and allows the continuation of Urgent Amendments to be dealt with by a separate process.
- 3.5 Once established, the terms of reference for an Urgent Review Group would be to consider whether there may be another solution that might better facilitate the Applicable CUSC Objectives in respect of the subject matter of the Urgent Amendment Proposal. In its report to the Amendments Panel the Urgent Review Group would put forward a recommendation to the Panel where they are able to detail a better solution. Where the Urgent Review Group cannot identify a better solution then no further action is necessary. The Amendments Panel are then able to identify an issue or defect in the CUSC, along with a proposed solution, in order to put forward an Amendment Proposal in accordance with Paragraph 8.15.1 of the CUSC and to comply with the requirements of Paragraph 8.15.2.

4.0 IMPLEMENTATION AND TIMESCALES

- 4.1 There is no material impact associated with the timing of the implementation of CAP022. It is therefore proposed that implementation takes place with effect from 10 days after the Authority’s decision.

5.0 INITIAL VIEW OF AMENDMENTS PANEL

- 5.1 The Amendments Panel members determined that CAP022 be subject to consultation to seek industry views on the Amendment Proposal and whether such an amendment of the CUSC would better facilitate the Applicable CUSC Objectives.

- 5.2 Amendments Panel members noted that the principles behind CAP022 had been agreed by the Governance Standing Group (GSG) during their consideration of Urgent Amendment Proposals, although the GSG had not reviewed any specific drafting.

Further information on the Governance Standing Group, including membership, terms of reference and notes of meetings, is available on the National Grid CUSC website via the link below:

http://www.nationalgridinfo.co.uk/cusc/mn_working_group.html

6.0 INITIAL VIEW OF NATIONAL GRID

- 6.1 National Grid believes that Amendment Proposal CAP022 should be approved for implementation. This is on the basis that the process for initiation of the Amendment Procedures set out in Paragraph 8.21.8 is unworkable, as described in Section 3 above. CAP022 provides a transparent mechanism to enable the review of implemented Urgent Amendments and hence better facilitates the procedural efficiency element of the Applicable CUSC Objectives.

7.0 VIEWS INVITED

- 7.1 National Grid is seeking the views of interested parties in relation to the issues raised by Amendment Proposal CAP022 and any issues associated with the proposed timing for implementation.
- 7.2 Please send your responses to this consultation to National Grid by no later than close of business on **Thursday 5th September 2002**.
- 7.3 Please address all comments to the following e-mail address:

emma.groves@uk.ngrid.com

Or alternatively, comments may be addressed to:

Emma Groves
Commercial
National Grid Company plc
National Grid House
Kirby Corner Road
Coventry
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Annex 1 - Proposed Text to Modify CUSC

Part A - Text to give effect to the Proposed Amendment

8.15 AMENDMENT PROPOSALS

- 8.15.1 A proposal to modify the **CUSC** may be made by a **CUSC Party**, by the **GECC** or by a **BSC Party** or, under Paragraphs 8.21.~~8~~17 and 8.23.5, by the **Amendments Panel**.

8.21 URGENT AMENDMENT PROPOSALS

- 8.21.1 If any **CUSC Party** recommends to the **Panel Secretary** that a proposal should be treated as an **Urgent Amendment Proposal** in accordance with this Paragraph 8.21, the **Panel Secretary** shall notify the **Panel Chairman** who shall then endeavour to obtain the views of the **Amendments Panel** as to the matters set out in Paragraph 8.21.2. If for any reason the **Panel Chairman** is unable to do that, the **Panel Secretary** shall do so.

- 8.21.2 The matters referred to in Paragraph 8.21.1 are:

- (a) whether such proposal should be treated as an **Urgent Amendment Proposal** in accordance with this Paragraph 8.21 and
- (b) if so, the procedure and timetable to be followed in respect of such **Urgent Amendment Proposal**.

- 8.21.3 If:

- (a) the **Amendments Panel** agrees that such proposal should be treated as an **Urgent Amendment Proposal**;
or
- (b) where the **Panel Chairman** or the **Panel Secretary** was unable to contact all **Panel Members**, the majority of **Panel Members** contacted so agree; or
- (c) where the **Panel Chairman** or the **Panel Secretary** was unable to contact any other **Panel Member**, the **Panel Chairman** considers that such proposal should be treated as an **Urgent Amendment Proposal**,

the **Panel Chairman** or, in his absence, the **Panel Secretary** shall forthwith consult the **Authority** as to whether such **Amendment Proposal** is an **Urgent Amendment Proposal**

and, if so, as to the procedure and timetable which should apply in respect thereof.

8.21.4 The **Amendments Panel** shall:

- (a) not treat any **Amendment Proposal** as an **Urgent Amendment Proposal** except with the prior consent of the **Authority**;
- (b) comply with the procedure and timetable in respect of any **Urgent Amendment Proposal** approved by the **Authority**; and
- (c) comply with any direction of the **Authority** issued in respect of any of the matters on which the **Authority** is consulted pursuant to Paragraph 8.21.3.

8.21.5 For the purposes of this Paragraph 8.21.5, the procedure and timetable in respect of an **Urgent Amendment Proposal** may (with the approval of the Authority pursuant to Paragraph 8.21.3) deviate from all or part of the **Amendment Procedures** to follow any other procedure or timetable approved by the **Authority**.

8.21.6 The **Amendment Report** in respect of an **Urgent Amendment Proposal** shall include a statement as to why the **CUSC Party** believes that such **Amendment Proposal** should be treated as an **Urgent Amendment Proposal** and the extent to which the procedure followed deviated from the **Amendment Procedures** (other than the procedures in this Paragraph 8.21).

8.21.7 Each **CUSC Party** and each **Panel Member** shall take all reasonable steps to ensure that an **Urgent Amendment Proposal** is considered, evaluated and (subject to the approval of the **Authority**) implemented as soon as reasonably practicable, having regard to the urgency of the matter and, for the avoidance of doubt, an **Urgent Amendment Proposal** may (subject to the approval of the **Authority**) result in the **CUSC** being amended on the day on which such proposal is submitted.

8.21.8 Where an **Urgent Amendment Proposal** results in an amendment being made in accordance with Paragraph 8.23, the **Amendments Panel** shall following such amendment, establish an **Urgent Review Group** in accordance with Paragraph 8.21.10. initiate the **Amendment Procedures** in order to better facilitate the **Applicable CUSC Objectives** in respect of the subject matter of that **Urgent Amendment Proposal**.

8.21.9 The terms of reference of the **Urgent Review Group** will be to consider and report to the **Amendments Panel** as to whether there may be another solution that may, as compared with the implemented **Urgent Amendment Proposal**, better facilitate the **Applicable CUSC Objectives**. The **Amendments Panel** shall specify a timetable, which shall be no longer than three months) within which the **Urgent Review Group** is to report to it and may establish other requirements in relation to the intended scope of the **Urgent Review Group's** considerations.

8.21.10 An **Urgent Review Group** shall comprise at least five (5) persons (who may be **Panel Members**) selected by the **Amendments Panel** from those nominated by **CUSC Parties** for their relevant experience and/or expertise in the areas forming the subject-matter of the Review. The **Amendments Panel** shall ensure, as far as possible, that an appropriate cross-section of representation, experience and expertise is represented on such **Urgent Review Group**, provided that there shall always be at least one member representing NGC. A representative of the **Authority** may attend any meeting of an **Urgent Review Group** as an observer and may speak at such meeting.

8.21.11 **NGC** shall in consultation with the **Amendments Panel** appoint the chairman of each **Urgent Review Group** who shall act impartially and as an independent chairman.

8.21.12 The **Amendments Panel** may add further members to an **Urgent Review Group** after it is established.

8.21.13 The **Amendments Panel** may (but shall not be obliged to) replace any member of an **Urgent Review Group** appointed pursuant to Paragraph 8.22.2 at any time if such member is unwilling or unable for whatever reason to fulfil that function and/or is deliberately and persistently disrupting or frustrating the work of the **Urgent Review Group**.

8.21.14

- (a) Each **Urgent Review Group** chairman shall prepare a report to the **Amendments Panel** responding to the matter detailed in the terms of reference in accordance with the time period set by the **Amendments Panel**.
- (b) If an **Urgent Review Group** is unable to reach agreement on any such matter, the report must reflect the views of the members of the **Urgent Review Group**.
- (c) The report will be circulated in draft form to **Urgent Review Group** members and a period of not less than five (5) **Business Days** given for comments thereon.

Any unresolved comments made shall be reflected in the final report.

- (d) The chairman or another member (nominated by the chairman) of the Urgent Review Group shall attend the next Amendments Panel meeting following delivery of the report and may be invited to present the findings and/or answer the questions of Panel Members in respect thereof. Other members of the Urgent Review Group may also attend such Amendments Panel meeting.

8.21.15 If the report from the Urgent Review Group recommends to the Amendments Panel that there is an alternative to the implemented Urgent Amendment Proposal that could better facilitate the Applicable CUSC Objectives, then the Amendments Panel shall propose an amendment to the CUSC in line with Paragraph 8.15.1 of the CUSC.

SECTION 11 – INTERPRETATION AND DEFINITIONS

“Urgent Review Group”

An Urgent Review Group established by the Amendments Panel pursuant to Paragraph 8.21.10;

Part B - Text to give effect to CAP022 if CAP021 is approved

Note: In addition to the text change shown below, the text changes set out in Part A of Annex 1 should also be made.

After the words "...following such amendment..." in Paragraph 8.21.8, insert "determine whether or not to", and delete the remainder of Paragraph 8.21.8 beginning with the words "...initiate the Amendment Procedures..."