



Making a positive difference  
for energy consumers

Trisha McAuley OBE  
Independent Chair  
CUSC & Grid Code Panel

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24 September 2019

Dear Trisha,

**GC0127/GC0128: EU Network Code Emergency & Restoration: Requirements resulting from System Defence and Restoration Plans**

I am writing in response to your letter dated 12 September 2019 which details the Grid Code Review Panel's decision to consult with Ofgem under Governance Rule GR21.5 of the Grid Code.

With this letter, the Grid Code Panel has asked the Authority whether it would like the Grid Code Modification Report for the code modifications GC0127/GC0128 to include the proposed legal text associated with WAGCM1, WAGCM2 and WAGCM3. We understand that the Grid Code Panel considers that producing the legal text for the WAGCMs would take a significant amount of time and would potentially lead to the ESO missing the deadline for compliance with the obligations set in the European Network Code on Emergency & Restoration (NC ER).

We have considered the Grid Code Panel concerns, including the risk of non-compliance. At this stage in the process, we cannot fetter our discretion on whether we will conclude that the original or any of the alternative proposals best meet the Grid Code objectives compared to the baseline. In a scenario where we may decide to approve an alternative modification, the risk of non-compliance would be even greater if the legal text for WAGCM1, WAGCM2 and WAGCM3 is not drafted for the code administrator consultation.

We are also of the view that there will be significant benefits for the Grid Code Panel to develop the legal text for consultation with stakeholders, in particular the smaller generation that may or may not be captured by the provisions of the NC ER. This is a valuable opportunity for market participants to provide feedback on the impact of the proposals and for the Grid Code Panel to take the feedback into consideration before submitting it to us.

Therefore, the Authority considers that the proposed legal text for WAGCM1, WAGCM2 and WAGCM3 is required in the Grid Code Modification Report and requests that the Grid Code Panel drafts the legal text for these WAGCMs.

We would also like to stress the importance of initiating code modification processes sufficiently in advance of legal deadlines and that requests under GR21.5 should be used on an exceptional basis. Therefore, it is important that there is enough time for alternative modifications to be raised and for their corresponding legal text to be fully developed ahead of the consultation.

If you have any queries regarding the information contained within this letter, please contact Alastair Owen ([Alastair.Owen@ofgem.gov.uk](mailto:Alastair.Owen@ofgem.gov.uk)).

Yours Sincerely,

**Leonardo Costa**  
**Senior Manager - SO Regulation**