



Ms Alison Kay
CUSC Panel chair
c/o National Grid Electricity
Transmission plc
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*Promoting choice and
value for all customers*

Our Ref: CAP189
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18 August 2011

Dear Alison,

**Re: Authority determination regarding the 'send back' of amendment proposal
CAP189**

The Authority¹ has considered the Final Modification Report (FMR) for modification proposal CAP189 submitted on behalf of the CUSC Modifications Panel² and all representations received and set out in the FMR dated 10 August 2011³.

The Authority determines⁴ that it cannot properly form an opinion on the above proposal⁵ based on the information contained in the FMR and directs the Panel to undertake additional steps to revise the FMR for the following reason:

- the current proposed legal drafting does not meet the intent of the proposed solution as reflected by the concern raised by one respondent late in the consultation process and set out in paragraph 7.4 and Annex 7 of the FMR. The Panel should take appropriate steps to revisit the legal drafting and address the concern raised. We note that the Panel itself requested use by the Authority of its send back power (paragraph 1.8 of the FMR).

After revising the FMR, the Panel should re-submit it to the Authority⁶ as soon as is appropriate after this direction taking into account the complexity, importance and urgency of the proposal.

Yours sincerely,

Abid Sheikh
Manager, Industry Codes and Licensing

¹ The terms 'the Authority', 'Ofgem' and 'we' are used interchangeably in this document. Ofgem is the Office of the Gas and Electricity Markets Authority.

² Pursuant to Standard Condition C10(6b(vi)) of NGET's Transmission Licence and Section 8, paragraph 23.6 of the CUSC.

³ CUSC modification proposals, modification reports and representations can be viewed on NGET's website at <http://www.nationalgrid.com/uk/Electricity/Codes/systemcode/amendments/>

⁴ Pursuant to Standard Condition C10(7aa) of NGET's Transmission Licence and Section 8, paragraph 23.12 of the CUSC.

⁵ References to modification proposals also include alternative proposals where applicable.

⁶ Pursuant to Standard Condition C10(6b(vii)) of NGET's Transmission Licence and Section 8, paragraph 23.13 of the CUSC.