

Workgroup Terms of Reference and Membership

TERMS OF REFERENCE FOR CMP254 WORKGROUP

CMP254 aims to bring the CUSC in line with the DCUSA in regards to Supplier's rights under their Supply Contract and the Electricity Act 1989 to disconnect and indebted customer. CMP254 had originally been requested to be progressed as an urgent modification and had been supported by the CUSC Panel. However, Ofgem have rejected this request from the CUSC Panel but do support an accelerated timetable.

Responsibilities

1. The Workgroup is responsible for assisting the CUSC Modifications Panel in the evaluation of CUSC Modification Proposal **CMP254 'Addressing discrepancies in disconnection / de-energisation remedies'** tabled by EDF Energy at the CUSC Modifications Panel meeting on 30th October 2015.
2. The proposal must be evaluated to consider whether it better facilitates achievement of the Applicable CUSC Objectives. These can be summarised as follows:

Applicable CUSC Objectives

- (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.
3. It should be noted that additional provisions apply where it is proposed to modify the CUSC Modification provisions, and generally reference should be made to the Transmission Licence for the full definition of the term.

Scope of work

4. The Workgroup must consider the issues raised by the Modification Proposal and consider if the proposal identified better facilitates achievement of the Applicable CUSC Objectives.
5. In addition to the overriding requirement of paragraph 4, the Workgroup shall consider and report on the following specific issues:
 - a) *Implementation*
 - b) *Review draft legal text*

- c) *Consider how the legal text from DCUSA would map across to the CUSC.*
 - d) *What are the circumstances in which a customer would be disconnected?*
 - e) *How would ongoing connection charge liabilities be handled?*
 - f) *What happens if there are technical or safety issues associated with de-energisation?*
 - g) *What will the arrangements be around de-energisation?*
 - h) *What arrangements are in place in the event of re-energisation (NEW)*
 - i) *What technical /commercial / safety provisions need to be considered ahead of de-energisation and the impact on downstream customers?*
 - j) *What arrangements are in place for insolvency and adherence to the amended insolvency act as amended in October 2015.*
 - k) *Who is the party that is going to pay for the actual de-energisation activities?*
6. The Workgroup is responsible for the formulation and evaluation of any Workgroup Alternative CUSC Modifications (WACMs) arising from Group discussions which would, as compared with the Modification Proposal or the current version of the CUSC, better facilitate achieving the Applicable CUSC Objectives in relation to the issue or defect identified.
 7. The Workgroup should become conversant with the definition of Workgroup Alternative CUSC Modification which appears in Section 11 (Interpretation and Definitions) of the CUSC. The definition entitles the Group and/or an individual member of the Workgroup to put forward a WACM if the member(s) genuinely believes the WACM would better facilitate the achievement of the Applicable CUSC Objectives, as compared with the Modification Proposal or the current version of the CUSC. The extent of the support for the Modification Proposal or any WACM arising from the Workgroup's discussions should be clearly described in the final Workgroup Report to the CUSC Modifications Panel.
 8. Workgroup members should be mindful of efficiency and propose the fewest number of WACMs possible.
 9. All proposed WACMs should include the Proposer(s)'s details within the final Workgroup report, for the avoidance of doubt this includes WACMs which are proposed by the entire Workgroup or subset of members.
 10. There is an obligation on the Workgroup to undertake a period of Consultation in accordance with CUSC 8.20. The Workgroup Consultation period shall be for a period of 15 Working days as determined by the Modifications Panel.
 11. Following the Consultation period the Workgroup is required to consider all responses including any WG Consultation Alternative Requests. In undertaking an assessment of any WG Consultation Alternative Request, the Workgroup should consider whether it better facilitates the Applicable CUSC Objectives than the current version of the CUSC.
 12. As appropriate, the Workgroup will be required to undertake any further analysis and update the original Modification Proposal and/or WACMs. All responses including any WG Consultation Alternative Requests shall be included within the final report including a summary of the Workgroup's deliberations and conclusions. The report should make it clear where and

why the Workgroup chairman has exercised his right under the CUSC to progress a WG Consultation Alternative Request or a WACM against the majority views of Workgroup members. It should also be explicitly stated where, under these circumstances, the Workgroup chairman is employed by the same organisation who submitted the WG Consultation Alternative Request.

13. The Workgroup is to submit its final report to the Modifications Panel Secretary on 24th November 2015 for circulation to Panel Members. The final report conclusions will be presented to the CUSC Modifications Panel at a special Panel meeting on 14th January 2016.

Membership

14. It is recommended that the Workgroup has the following members:

Role	Name	Representing
<i>Chairman</i>	John Martin	Code Administrator
<i>National Grid Representative*</i>	Wayne Mullins	National Grid
<i>Industry Representatives*</i>	Paul Mott (Proposer)	EDF Energy
	George Douthwaite	Npower
	Alison Meldrum	Tata steel
	Grant Holland	BOC
	Garth Graham	SSE
<i>Authority Representatives</i>	Dominic Green	Ofgem
<i>Technical secretary</i>	Heena Chauhan	Code Administrator

NB: A Workgroup must comprise at least 4 members (who may be Panel Members). The roles identified with an asterisk in the table above contribute toward the required quorum, determined in accordance with paragraph 14 below.

15. The Chairman of the Workgroup and the Modifications Panel Chairman must agree a number that will be quorum for each Workgroup meeting. The agreed figure for CMP254 is that at least 4 Workgroup members must participate in a meeting for quorum to be met.
16. A vote is to take place by all eligible Workgroup members on the Modification Proposal and each WACM. The vote shall be decided by simple majority of those present at the meeting at which the vote takes place (whether in person or by teleconference). The Workgroup chairman shall not have a vote, casting or otherwise. There may be up to three rounds of voting, as follows:
- Vote 1: whether each proposal better facilitates the Applicable CUSC Objectives;
 - Vote 2: where one or more WACMs exist, whether each WACM better facilitates the Applicable CUSC Objectives than the original Modification Proposal;
 - Vote 3: which option is considered to BEST facilitate achievement of the Applicable CUSC Objectives. For the avoidance of doubt, this vote should include the existing CUSC baseline as an option.

The results from the vote and the reasons for such voting shall be recorded in the Workgroup report in as much detail as practicable.

17. It is expected that Workgroup members would only abstain from voting under limited circumstances, for example where a member feels that a proposal has been insufficiently developed. Where a member has such concerns, they should raise these with the Workgroup chairman at the earliest possible opportunity and certainly before the Workgroup vote takes place. Where abstention occurs, the reason should be recorded in the Workgroup report.
18. Workgroup members or their appointed alternate are required to attend a minimum of 50% of the Workgroup meetings to be eligible to participate in the Workgroup vote.
19. The Technical Secretary shall keep an Attendance Record for the Workgroup meetings and circulate the Attendance Record with the Action Notes after each meeting. This will be attached to the final Workgroup report.
20. The Workgroup membership can be amended from time to time by the CUSC Modifications Panel.

Appendix 1 – Indicative Workgroup Timetable

The following timetable is indicative for CMP254

22nd October 2015	CUSC Modification Proposal and request for Urgency submitted
30th October 2015	CUSC Panel considers Proposal and request for Urgency
30th October 2015	Request for Workgroup members (3 Working days)
30th October 2015	Panel's view on urgency submitted to Ofgem for consideration
5th November 2015	Ofgem view on urgency provided
6th November 2015	Workgroup meeting 1
9th November 2015	Workgroup meeting 2
16th November 2015	Workgroup meeting 3
26th November 2015	Workgroup Consultation issued (15 Working days)
17th December 2015	Deadline for responses
6th January 2016	Workgroup meeting 4
8th January 2016	Workgroup meeting 5 (if required)
14th January 2016	Workgroup report issued to CUSC Panel
18th January 2016	Workgroup report presented to CUSC Panel (Special CUSC Panel meeting)

Post Workgroup modification process

19th January 2016	Code Administrator Consultation issued (10 Working days)
2nd February 2016	Consultation closes

3rd February 2016	Draft FMR published for industry comment
4th February 2016	Deadline for comments
5th February 2016	Draft FMR issued to Panel
8th February 2016	Panel Recommendation Vote
8th February 2016	Final FMR circulated for Panel comment
9th February 2016	Deadline for Panel comment
10th February 2016	Final report sent to Authority for decision
16th March 2016	Indicative Authority Decision due
30th March 2016	Implementation Date