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Workgroup Consultation Response Proforma

CMP471: Interim Connection Date Delay Process Ahead of CMP434 Gated Application Window

Industry parties are invited to respond to this consultation expressing their views and supplying the rationale for those views, particularly in respect of any specific questions detailed below.

Please send your responses to cusc.team@neso.energy by **5pm** on **24 July 2026**. Please note that any responses received after the deadline or sent to a different email address may not receive due consideration.

If you have any queries on the content of this consultation, please contact cusc.team@neso.energy

Respondent details	Please enter your details	
Respondent name:	Andrew Allan	
Company name:	RWE Supply & Trading	
Email address:	Andrew.allan@rwe.com	
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Which best describes your organisation?	☐ Consumer body ☒ Demand ☐ Distribution Network Operator ☒ Generator ☐ Industry body ☐ Interconnector	☒ Storage ☒ Supplier ☐ System Operator ☐ Transmission Owner ☒ Virtual Lead Party ☐ Other

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I wish my response to be:

(Please mark the relevant box)

☒ **Non-Confidential** (this will be shared with industry and the Panel for further consideration)

☐ **Confidential** (this will be disclosed to the Authority in full but, unless specified, will not be shared with the Panel or the industry for further consideration)

***The Electricity Regulation referred to in objective g) is Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast) as it has effect immediately before IP completion day as read with the modifications set out in the SI 2020/1006.*

For reference the Applicable CUSC (non-charging) Objectives are:

- i. *The efficient discharge by the Licensee of the obligations imposed on it by the Act and by this licence*;*
- ii. *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;*
- iii. *Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency **; and*
- iv. *Promoting efficiency in the implementation and administration of the CUSC arrangements.*

* See Electricity System Operator Licence

***The Electricity Regulation referred to in objective (iii) is Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the*

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internal market for electricity (recast) as it has effect immediately before IP completion day as read with the modifications set out in the SI 2020/1006.

For reference, (for consultation questions 5 & 6) the Electricity Balancing Regulation (EBR) Article 3 Objectives and regulatory aspects are:

- a) fostering effective competition, non-discrimination and transparency in balancing markets;*
- b) enhancing efficiency of balancing as well as efficiency of national balancing markets;*
- c) integrating balancing markets and promoting the possibilities for exchanges of balancing services while contributing to operational security;*
- d) contributing to the efficient long-term operation and development of the electricity transmission system and electricity sector while facilitating the efficient and consistent functioning of day-ahead, intraday and balancing markets;*
- e) ensuring that the procurement of balancing services is fair, objective, transparent and market-based, avoids undue barriers to entry for new entrants, fosters the liquidity of balancing markets while preventing undue market distortions;*
- f) facilitating the participation of demand response including aggregation facilities and energy storage while ensuring they compete with other balancing services at a level playing field and, where necessary, act independently when serving a single demand facility;*
- g) facilitating the participation of renewable energy sources and supporting the achievement of any target specified in an enactment for the share of energy from renewable sources.*

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What is the EBR?

The Electricity Balancing Regulation (EBR) is a European Network Code introduced by the Third Energy Package European legislation in late 2017.

The EBR regulation lays down the rules for the integration of balancing markets in Europe, with the objectives of enhancing Europe's security of supply. The EBR aims to do this through harmonisation of electricity balancing rules and facilitating the exchange of balancing resources between European Transmission System Operators (TSOs). Article 18 of the EBR states that TSOs such as the NESO should have terms and conditions developed for balancing services, which are submitted and approved by Ofgem.

Please express your views in the right-hand side of the table below, including your rationale.

Standard Workgroup Consultation questions

1	Do you believe that the Original Proposal better facilitate the Applicable Objectives versus the current baseline?	Mark the Objectives which you believe the Original Solution better facilitates than the current baseline:	
		Original	☒ i ☒ ii ☐ iii ☐ iv ☐ v ☐ None
		Yes. By providing Users with the ability to ensure project programmes are accurate and achievable, and taking into account the unexpected and unforeseeable delays associated with the Gate 2 to Whole Queue process, the proposed mechanism appears appropriate and proportionate. Users should not suffer material commercial detriment where the need for the delay request arises from delays associated with implementation	

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		of the connections reform programme and associated NESO processes. CMP471 should be governed by a no-detriment principle. Users should not be disadvantaged, either commercially or procedurally, where use of the mechanism is necessitated by delays associated with the implementation of connections reform programmes or NESO administrative processes. This should include protection of queue position, offer validity, milestone treatment and equivalent commercial rights This is consistent with Applicable Objective (i), <i>the efficient discharge by the Licensee of its obligations</i>, by reducing the potential for discriminatory or inconsistent outcomes arising from the unexpected and unforeseeable length of time taken to implement CMP435 and the consequential impacts experienced by affected Users. It is also consistent with Applicable Objective (ii), <i>facilitating effective competition in the generation and supply of electricity</i>, as it reduces the risk that certain Users may be placed at a disproportionate commercial disadvantage as a result of delays associated with the implementation of CMP435 and the wider connections reform programme.
2	Do you support the proposed implementation approach?	☒ Yes ☐ No
3	Do you have any other comments?	It is unclear, in the case that a Connection Date Delay request is made, if NESO would be able to offer a date <i>beyond</i> the date requested, and in this case,

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		what the User's rights are. Is their original date available to revert to? Have they now lost their queue position by making a request? These interactions should be clarified and codified. Further, more explicit clarification – and some exemplification – of the interaction with project securities & liabilities would be helpful to fully understand the solution.
4	Do you wish to raise a Workgroup Consultation Alternative Request for the Workgroup to consider?	☐ Yes (the request form can be found in the <u>Workgroup Consultation Section</u>) ☒ No Not at this time. However, the proposer's original solution does not directly allow for proportionate delay to relevant User Progression Milestones, and – while there is some drafting in relation to the Queue Management Guidance document – there may be a strong argument (see answer to question 9) that this would be a valid and reasonable alternative to raise, to bring into the CUSC legal text
5	Does the draft legal text satisfy the intent of the modification?	☐ Yes ☒ No Subject to expert legal review in the next phase of the workgroup, the draft text appears to support the intent of the original proposal, with the exception of the concerns raised in response to Q15 and Q16

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6	Do you agree with the Workgroup's assessment that the modification does not impact the Electricity Balancing Regulation (EBR) Article 18 terms and conditions held within the Code?	☒ Yes ☐ No Click or tap here to enter text.
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Specific Workgroup Consultation questions

7	What submission mechanism (post offer negotiation or a formal modification application route) is most appropriate to process a Completion Date Delay Request for Users that have not accepted a Gate 2 Offer?	While post offer negotiation would appear in principle be the most efficient; the variability in customer experience, dependent on the level of service available through Customer Contract Managers, likely makes a formal CUSC process and approach preferable. Whether that should constitute a Mod App as defined in the CUSC will require further review in the next phase of WGs, with NESO steer and insight on benefits and drawbacks of integration into existing processes and definition of new ones. As with the broader CMP435 process and CUSC requirements, definition of assessment criteria, decision factors and any appeal/escalation process is necessary; along with evidence required, when NESO may refuse, how comparability between projects is maintained, and how discretion is applied/constrained.
8	Would you anticipate using the Connection Date Delay process to	☒ Yes ☐ No

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	change your Gate 2 modification Offer?	
9	If yes to question 8, for what reasons?	The unexpected and unforeseeable length of time that has been required, and continues to be required, to implement CMP435 has left many projects with uncertainty as to what their connection status and date is or will be for a prolonged period. For many projects, it would not be possible to progress investment decisions, or procurement contract execution, while connection contractual uncertainty remains. This lost development time cannot simply be recovered, and in some cases it is appropriate that there is provision for this to be added to a project's programme, and accounted for by updating the contractual connection date.
10	Do you believe the legal text is sufficiently clear without requiring supporting information within the Gated Modification Guidance?	☐ Yes ☒ No There is potential for confusion around how milestones will be treated, as well as what this process constitutes when formalised (eg. is it a non-gated ModApp? Is it a ModApp at all?), as such Gated Guidance must be updated to reflect the process, where CMP471 is approved. Notably, the drafting in Annex 7 is not consistent with the original proposal, in that it states that the opportunity will be time bound. Whereas the original proposal allows this in relation to any gate 2 offer, and therefore the timeline is subject to NESO's programme for issuing Offers. And the statement "For those yet to

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		receive or sign an offer, no other changes will be accepted until the agreement is signed.” also seems inconsistent.
11	Would you propose any variations to the supporting information within the updated Gated Modification and Queue Management Guidance (see Annex 7 and 8)?	These guidance documents could be used to elaborate on the evidence and decision-making process, where this is not more clearly defined within the CUSC legal text.
12	Are there any ramifications from excluding DNO embedded projects that are not already catered for in the separate connections process?	No concern identified to date
13	If the NESO securities delay proposal were to be progressed could it potentially resolve the concerns in relation to your relevant projects, or do you feel that a date change mechanism proposed with CMP471 would be more useful in respect of your projects?	The NESO securities delay for the specific case of projects connecting in 2030/31 would not resolve concerns in relation to all relevant projects.

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14	The Original proposal includes 60 Business Days for NESO to respond to a Connection Date Delay Request. Do you believe this is: a) too long, b) about right, or c) too short – and why?	☒ Too Long ☐ About right ☐ Too short Please note that Offer acceptance period is currently described in months. It would be helpful to use consistent units with Offer acceptance, such that there is a comparable sense when reading. 60 Business Days is effectively 3 months (2.8). Initial view is that this should really be achievable within one month (max two months) – given that it is described as being only for scenarios where there is no material impact.
15	In CUSC 18, there is currently no proposed legal text describing the interaction between a Gate 2 Modification Offer validity period (3 months) and a Connection Date Delay Request which is made within that period. Do you believe there should be explicit drafting on this topic, and what that relationship should be?	Yes. It should be clear that making such a request – and allowing for the associated assessment and response – extends the Offer validity period, such that there is no chance of an unintended “straight to Gate 1” impact if something isn’t signed by the initial offer validity date, while the Date Change request is being assessed.

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16	Do you perceive any benefits or drawbacks to not including explicit provision for consequential updates to the Appendix J Construction programme in line with any delay to the Completion Date arising from this mechanism?	Yes. As was done in CUSC section 18, there should be the reasonable expectation of, and requirement for TOs and NESO to update relevant Appendix J Construction Programme dates.
17	Do you perceive any interactions with commercial frameworks, such as Government's Contract for Difference (CfD) or Capacity Market (CM)?	Yes. The Capacity Mechanism has a clause which allows Long Stop Date to be extended where the delay is solely down to a Transmission Owner delay. Where a User makes a request to delay the connection date via this mechanism, it may have the effect that this is no longer perceived to be "solely" TO driven. And a CMU may be subject to termination as a result. This should be understood as a potential (unintended?) consequence of enabling Users to regularise the Connection Contract in this fashion. Both CfD and CM mechanisms also have associated milestones. While these are governed by separate processes, it may be that even if the connections process is improved, the CfD contract or CM agreement may still constrain a developer – as these rules and terms were not designed anticipating such material project connection date and process delays.
18	Do you agree that 20 Business Days after	Yes in respect of 20 days after offer. However 20 days after implementation may be challenging for portfolio

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	receipt of a relevant Offer, or 20 Business Days beginning 10 days following the Implementation Date is sufficient to submit the required Completion Date notices to NESO?	developers that require to use the mechanism for multiple projects. But generally feels reasonable.
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