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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:	Henry McDonald	
Company name:	Votwise Power Holdings Limited	
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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. CMP471 addresses a genuine contractual issue created by the extended G2TWQ process and provides a mechanism to align contractual completion dates with realistic delivery programmes. Voltwise supports the proposal but believes equivalent rights should be available to both transmission-connected and embedded projects. Unless equivalent protections and commercial outcomes can be clearly demonstrated through alternative embedded arrangements,	

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		distribution-connected projects should be included within CMP471.
2	Do you support the proposed implementation approach?	☒ Yes ☐ No Voltwise supports the proposed implementation approach subject to embedded and distribution-connected projects receiving equivalent rights and protections. If equivalent arrangements cannot be clearly evidenced, embedded projects should be brought within scope of CMP471.
3	Do you have any other comments?	The effectiveness of CMP471 should be measured by whether projects can align contractual obligations, liabilities, securities and delivery programmes with realistic project timescales. This objective applies equally to transmission and distribution-connected projects and should not depend upon connection type.
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 Voltwise is not raising a formal alternative at this stage. However, if equivalent protections cannot be demonstrated for embedded projects, the Workgroup should extend CMP471 to distribution-connected projects or establish a parallel

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		mechanism delivering substantially identical rights and outcomes.
5	Does the draft legal text satisfy the intent of the modification?	☐ Yes ☒ No
		Partially. The legal drafting appears broadly aligned with the intent of the modification but further clarity is required regarding: • Embedded project treatment; • Gate 2 Offer validity protection; • Consequential updates to liabilities, securities and contractual obligations; • Decision-making responsibilities; • Circumstances under which requests may be refused.
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
		CMP471 concerns connection arrangements and associated contractual obligations rather than balancing arrangements governed under EBR Article 18.

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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?	A post-offer amendment or negotiation route is preferable. Users should not be required to accept an unrealistic Gate 2 Offer purely to preserve their queue position whilst a completion date amendment is assessed.
8	Would you anticipate using the Connection Date Delay process to change your Gate 2 modification Offer?	☒ Yes ☐ No
9	If yes to question 8, for what reasons?	Voltwise would expect to use the process where project delivery assumptions no longer reflect realistic timelines. The purpose would be to align contractual obligations, liabilities, securities and project delivery programmes, reducing unnecessary project risk and supporting investment decisions.
10	Do you believe the legal text is sufficiently clear without requiring supporting	☐ Yes ☒ No

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	information within the Gated Modification Guidance?	Supporting guidance is essential. Guidance should clearly explain eligibility requirements, evidence requirements, assessment criteria, user rights, escalation routes, treatment of liabilities and securities, and the treatment of embedded projects.
11	Would you propose any variations to the supporting information within the updated Gated Modification and Queue Management Guidance (see Annex 7 and 8)?	The guidance should: • Include worked examples for both transmission and embedded projects. • Clearly explain how embedded projects receive equivalent rights and outcomes. • Describe the interaction with Queue Management Milestones. • Clarify treatment of liabilities, securities, construction programmes and associated contractual obligations following approval of a delay request.
12	Are there any ramifications from excluding DNO embedded projects that are not already catered for in the separate connections process?	Yes. The exclusion of embedded projects is Voltwise's principal concern. The consultation states that embedded projects can utilise alternative arrangements to amend connection dates and associated commercial obligations. However, it does not demonstrate that these arrangements provide the same legal rights, process certainty, transparency, response obligations,

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		protections and commercial outcomes available through CMP471. Voltwise believes embedded projects should have the same right to amend connection dates as transmission-connected projects. Unless equivalent rights and protections can be conclusively demonstrated, distribution-connected projects should be included within CMP471.
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 proposed NESO securities delay proposal may provide useful short-term relief for some projects but would not resolve the broader issue addressed by CMP471. The proposal addresses only part of the commercial exposure associated with unrealistic completion dates. A formal completion date amendment mechanism remains more useful and should be available to both transmission and embedded projects.
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 60 Business Days is approximately the upper limit of what would be acceptable. Given the commercial significance of these requests, the process should include acknowledgements,

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		progress updates and an escalation route to minimise uncertainty.
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. Submission of a valid Completion Date Delay Request should preserve the applicant's position whilst the request is being assessed. Users should not be forced to choose between accepting an unrealistic Gate 2 Offer and risking the loss of their position whilst a request remains under consideration.
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	Explicit provision should be included. Any approved Completion Date change should automatically trigger consequential updates to the Appendix J Construction Programme and all related contractual schedules, liabilities and securities. Failure to do so risks creating inconsistencies between contractual obligations and realistic delivery programmes.

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	arising from this mechanism?	
17	Do you perceive any interactions with commercial frameworks, such as Government's Contract for Difference (CfD) or Capacity Market (CM)?	Yes. Connection date certainty is important for project financing, investor confidence, procurement, route-to-market strategy, Capacity Market participation and overall project viability. Misaligned contractual dates may adversely affect investment and delivery decisions.
18	Do you agree that 20 Business Days after 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?	Yes. Twenty Business Days appears reasonable for most projects, although limited flexibility may be appropriate where multiple stakeholders are involved or additional supporting information is required.