

## CUSC Code Administrator Consultation Response Proforma

### CMP310 - CUSC section 14 changes in the event the UK leaves the EU without an agreement

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

Please send your responses by **5:00pm** on **21 March 2019** to [cusc.team@nationalgrid.com](mailto:cusc.team@nationalgrid.com). Please note that any responses received after the deadline or sent to a different email address may not be included within the Final Modification Report to the Authority.

Any queries on the content of the consultation should be addressed to Ren Walker at [Lurrentia.Walker@nationalgrid.com](mailto:Lurrentia.Walker@nationalgrid.com)

These responses will be included within the Draft CUSC Modification Report to the CUSC Panel and within the Final CUSC Modification Report to the Authority.

<b>Respondent:</b>	Paul Mott
<b>Company Name:</b>	EDF Energy
<b>Please express your views regarding the Code Administrator Consultation, including rationale. (Please include any issues, suggestions or queries)</b>	<p>For reference, the Applicable CUSC objectives are:</p> <p>Non-Standard (Charging) Objectives</p> <p>(a) That compliance with the use of system charging methodology facilitates effective competition in the generation and supply of electricity and (so far as is consistent therewith) facilitates competition in the sale, distribution and purchase of electricity;</p> <p>(b) That compliance with the use of system charging methodology results in charges which reflect, as far as is reasonably practicable, the costs (excluding any payments between transmission licensees which are made under and accordance with the STC) incurred by transmission licensees in their transmission businesses and which are compatible with standard licence condition C26 requirements of a connect and manage connection);</p> <p>(c) That, so far as is consistent with sub-paragraphs (a) and (b), the use of system charging methodology, as far as is reasonably practicable, properly takes</p>

	<p>account of the developments in transmission licensees' transmission businesses; Compliance with the Electricity Regulation and</p> <p>(d) any relevant legally binding decision of the European Commission and/or the Agency. These are defined within the National Grid Electricity Transmission plc Licence under Standard Condition C10, paragraph 1 *; and</p> <p>(e) Promoting efficiency in the implementation and administration of the CUSC arrangements.</p>
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### Code Administrator Consultation questions

Q	Question	Response
1	<p><b>Do you believe that CMP310 better facilitates the Applicable CUSC objectives? Please include your reasoning.</b></p>	<p>Yes. CMP310 with its cousin CMP309, aims to ensure that retained EU law will function effectively in the context of the CUSC. It makes appropriate changes to a very small handful of references to EU Regulation and EU entities. It reflects the effect of the European Union (Withdrawal) Act 2018, so that if the UK leaves the EU without an agreement, future decisions of the Commission and the Agency will no longer have any legal effect in the UK, but decisions made prior to "Exit Day" are to continue to have effect. The changes to CUSC in this mod and its close cousin, CMP309, make sure that this is so. It better facilitates charging applicable objective (e) Promoting efficiency in the implementation and administration of the CUSC arrangements, as the CUSC needs updating to reflect the European Union (Withdrawal) Act 2018, and it would represent bad administration of the CUSC arrangements if we forgot/neglected to do so.</p>

Q	Question	Response
2	<b>Do you support the proposed implementation approach?</b>	Yes; we note that implementation of this Modification is sought by the proposer as soon as possible following UK's exit from the EU, in the event the UK leaves the EU without an agreement. A date can't be cited at present because implementation is dependent upon the implementation of the relevant Statutory Instruments that have been prepared under the European Union (Withdrawal) Act 2018 as well as relevant consequential licence modifications. The proposer says that implementation date will need to align with the Statutory Instruments and licence modifications – EDF Energy agrees.
3	<b>Do you have any other comments in relation to CMP310?</b>	No