

CM082 draft legal text

Section B - Governance

Issue 1 –

7.2.4.A2 A Workgroup shall comprise at least three (3) persons **representing STC parties** [(who may be STC Modification Panel Members)] **as** agreed by the STC Modification Panel, provided there shall always be at least one member representing NGESO and two members of other STC Parties; ~~one member representing Onshore Transmission Owners and one member representing Offshore Transmission Owner~~. A representative of the Authority may attend any meeting of a Workgroup as an observer and may speak at such meeting.

Issue 2 –

7.2.6D Cross-Code Decisions]

7.2.6D.1 In the event that the STC Modification Panel has made an earlier determination on a STC Modification Proposal (and/or Alternative STC Modification Proposal) which later conflicts with a determination to be made by the Authority on a related or consequential Modification Proposal submitted under another industry code, the following process will be followed and will at all times be kept confidential:

- a) **[A representative of the Authority shall notify the STC Code Administrator that a prospective Authority determination of a related code modification will supersede a previous determination made by the STC Modification Panel.]**
- b) The STC Code Administrator shall seek to convene the STC Modification Panel at the earliest opportunity, arranging an extraordinary meeting if considered appropriate by the Authority, to discuss the Authority's prospective determination.
- c) The STC Code Administrator shall share the details of the Authority's prospective determination, involving the STC Modification Panel representative for the Authority as required, seeking majority Panel consent to overturn the previous STC Modification Proposal determination in question.
- d) Where the STC Modification Panel agree by majority to overturn their previous determination, the STC Code Administrator will advise the Authority accordingly, and take any necessary steps to ratify the Panel's amended decision as normal.
- e) If the Panel do not agree by majority to revise their previous determination, the STC Code Administrator shall document the Panel's feedback by means of a written assessment of the STC applicable objectives and provide this in writing to the Authority for their review [insert timing KPI?].
 - i. If ultimately the Authority do not agree to change their prospective determination following review of STC Modification Panel feedback, they can direct the STC Code Administrator to revise the earlier STC Modification Panel determination and await further instructions on how to implement the affected STC Modification Proposal (if required).
 - ii. Otherwise, the Authority can proceed with their prospective determination in consideration of the perspectives of the STC Modification Panel.]

Commented [MS1]: I have spoken with Rob and he can provide some text to help with this

Commented [MS2]: I would suggest maybe softening the language on what the Authority can do so that it is more a statement of fact rather than placing obligations on the Authority.
Also, another point on the codifying issue is Panel should never make a decision on a STCP modification if it is contingent upon some other code work on which a decision will be made by the Authority. What we did at the last panel with PM0122 (follow-on required by GC0138) demonstrated a way to do this.
What might work is having a guidance (which can be followed) to avoid codifying the process as there might be a scenario where it doesn't work. Panel discussion will work

Commented [WR3R2]: Agree on softening wording, but otherwise the issues at play here are different to GC0138. I will explain in proposing the modification.

Commented [WR4]: Agree we need to find alternate wording here to avoid placing obligations on the Authority. However, this modification is contingent on coordination between Ofgem and STC Panel.

Commented [WR5]: Removed to avoid placing obligations on Authority, but I think this process needs a 'book-end' which involves communication of outcomes, especially if the Authority determine in contradiction to the consensus of STC Panel.