

Workgroup Terms of Reference and Membership

CMP395: Cap BSUoS costs and Defer payment to 2023/24 to protect GB customers

Responsibilities

1. The Workgroup is responsible for assisting the CUSC Modification Panel in the evaluation of CUSC Modification Proposal **CMP395** raised by **Saltend Cogeneration Company Ltd** at the Modifications Panel meeting on **16 August 2022**. The proposal must be evaluated to consider whether it better facilitates achievement of the Applicable CUSC Objectives.

Applicable CUSC (charging) Objectives

- 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;
- 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);
- 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 account of the developments in transmission licensees' transmission businesses;
- d) Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency *; and
- e) Promoting efficiency in the implementation and administration of the system charging methodology.

*The Electricity Regulation referred to in objective (d) 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.

2. 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

3. 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.

4. In addition, the Workgroup shall consider and report on the following specific issues:

| Workgroup Term of Reference | Location in Workgroup Report |
|---|--|
| a) Consider EBR implications | “Interactions” section |
| b) Consider whether or not a £10/MWh cap on BSUoS is appropriate or justify if another £/MWh cap is more appropriate | “Workgroup Considerations” section <i>Note that Original changed to include a £15/MWh Cap</i> |
| c) Consider if the £10/MWh cap on BSUoS should be in place from 1 October 2022 to 31 March 2023 or a different time period | “Workgroup Considerations” section <i>Note that Original changed to include a £15/MWh Cap</i> |
| d) Consider the impacts on Generators, Suppliers and Consumers of deferring the additional BSUoS costs above the cap to the 2023/24 charging year | “Workgroup assessment of impacts” section |
| e) Consider the limit on the total BSUoS costs that would be deferred that is feasible and realistic | “Workgroup Considerations” section |
| f) Consider cost to the ESO of any BSUoS recovery mechanism vs benefit | “Workgroup Considerations” section |
| g) Consider how costs should be recovered and from whom e.g. should Generators pay for deferred costs? | “Workgroup Considerations” section |
| h) Consider invoicing / billing timeline in the context of the Implementation Date | “Workgroup Considerations” section |

5. 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.
6. 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.

7. Workgroup members should be mindful of efficiency and propose the fewest number of WACMs possible.
8. 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.
9. 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.
10. 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.

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 chairperson 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 chairperson is employed by the same organisation who submitted the WG Consultation Alternative Request.

11. The Workgroup is to submit its final report to the Modifications Panel Secretary on **12 September 2022** for circulation to Panel Members. The final report conclusions will be presented to the CUSC Modifications Panel meeting on **13 September 2022**.

Membership

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

| Role | Name | Representing |
|---------------------|-------------|--------------------------------------|
| Chair | Paul Mullen | National Grid ESO Code Administrator |
| Technical Secretary | Ren Walker | National Grid ESO Code Administrator |

| | | |
|------------------------------|-----------------------------|----------------------------------|
| Proposer | Scott Keen / Graz Macdonald | Saltend Cogeneration Company Ltd |
| Workgroup Member | Claire Huxley | National Grid ESO |
| Workgroup Member (Alternate) | Karen Thompson – Lilley | National Grid ESO |
| Workgroup Member | Paul Youngman | Drax |
| Workgroup Member (Alternate) | Joshua Logan | Drax |
| Workgroup Member | Phil Broom | Engie |
| Workgroup Member | Simon Vicary | EDF Energy |
| Workgroup Member (Alternate) | Binoy Dharsi | EDF Energy |
| Workgroup Member | Sean Gauton | Uniper |
| Workgroup Member (Alternate) | Paul Jones | Uniper |
| Workgroup Member | Ryan Ward | Scottish Power |
| Workgroup Member (Alternate) | Joseph Dunn | Scottish Power |
| Workgroup Member | George Moran | Centrica |
| Workgroup Member (Alternate) | Gregory Edwards | Centrica |
| Workgroup Member | Damian Clough | SSE Generation Ltd |
| Workgroup Member (Alternate) | Garth Graham | SSE Generation Ltd |
| Workgroup Member | Niall Coyle | E-ON |
| Workgroup Member (Alternate) | Matthew Cullen | E-ON |
| Workgroup Member | Andy Manning | Citizens Advice |
| Workgroup Member | Eddie Proffitt | |
| Workgroup Member | Iwan Hughes | VPI – Immingham |
| Authority Representative | Andrew Malley | Ofgem |

NB: A Workgroup must comprise at least 5 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.

13. The chairperson of the Workgroup and the Modifications Panel Chairperson must agree a number that will be quorum for each Workgroup meeting. The agreed figure for this modification is that at least 5 Workgroup members must participate in a meeting for quorum to be met.
14. 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 chairperson 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.

15. 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 chairperson 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.
16. 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.
17. 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.
18. The Workgroup membership can be amended from time to time by the CUSC Modifications Panel.

