

Workgroup Consultation Response Proforma

CMP376: Inclusion of Queue Management process within the CUSC

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@nationalgrideso.com by **5pm** on **23 December 2022**. 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 paul.j.mullen@nationalgrideso.com or cusc.team@nationalgrideso.com

Respondent details	Please enter your details
Respondent name:	Lawson Steele
Company name:	Bute Energy Ltd, responding on behalf of the following CUSC Parties: Twyn Hywel Energy Park Limited, Moelfre Energy Park Limited, Mwdwl Eithin Energy Park Limited, Tarenni Energy Park Limited and Nant Aman Energy Park Limited.
Email address:	Lawson.Steele@bute.energy
Phone number:	0292 278 5081

I wish my response to be:

(Please mark the relevant box)

☒ Non-Confidential

☐ Confidential

Note: A confidential response will be disclosed to the Authority in full but, unless agreed otherwise, will not be shared with the Panel or the industry and may therefore not influence the debate to the same extent as a non-confidential response.

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

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

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

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 or any of the potential alternative solutions better facilitates the Applicable Objectives?	<p>Mark the Objectives which you believe each solution better facilitates:</p> <p>Original <input type="checkbox"/> A <input checked="" type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D</p> <p>Click or tap here to enter text.</p>
2	Do you support the proposed implementation approach?	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Click or tap here to enter text.</p>
3	Do you have any other comments?	Bute Energy agrees with the principles that this amendment is seeking to achieve and it fully accords with our business' TEC agenda.
4	Do you wish to raise a Workgroup Consultation Alternative Request for the Workgroup to consider?	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Click or tap here to enter text.</p>

Specific Workgroup Consultation questions		
1	Do you agree with the Milestone durations proposed? Please provide the rationale for your response.	<p>Based on our analysis, for windfarm projects with longer term connection dates, we believe that there is the potential within the proposed milestones windows, that the CUSC would require planning applications to be submitted in advance of the timeframes per a typical windfarm development programme.</p> <p>Thought should also be given to the milestone durations and how they apply for different asset types (i.e. the development programme for a Battery Energy Storage System ("BESS") is quite different to that of a windfarm). Thus, different milestone durations could be adopted depending on the asset type.</p>
2	Do you agree that the time period for the milestone durations should be from the contracted Completion Date back to the date the Offer is sent to the	Bute Energy would propose that the time period for the milestone durations should be from the Contracted Completion Date back to a date which is 6 months post clock start date. This would give users sufficient time to agree any contractual points with NG ESO, before a project starts progressing towards its milestones. It

	User; or from the Contracted Completion Date back to the date the Offer is accepted by the User; or from the Contracted Completion Date back to the date the Offer becomes effective; or do you have an alternative approach? Please provide the rationale for your response.	would also provide certainty for NG ESO when preparing the offer and for the user when applying
3	There are differences between the arrangements at Transmission and Distribution. Do you agree with the reasons provided why there is different treatment and that these don't create undue discrimination? Please provide the rationale for your response.	No comments on this section.
4	Do you agree with the evidence requirements proposed? Please provide the rationale for your response.	In principle Bute Energy agrees with the evidence requirements proposed, as they provide upfront clarity on what will be required to satisfy each milestone.
5	Do you agree that works specifically for a User, whose Construction Agreement has been terminated under CMP376, should be suspended until the outcome of the Appeal/Dispute. Please provide the rationale for your response.	Bute Energy disagrees that works specifically for a User, whose Construction Agreement has been terminated under CMP376, should be suspended until the outcome of the Appeal/Dispute. Bute Energy would prefer that the Users works continue until the appeals process has been exhausted. Otherwise, where the appeal is successful, the delay caused by the suspension of the works could have a significant impact on the successful completion of the project.

6	Do you have any views on the most appropriate route for Appeals/Disputes raised by a User whose Construction Agreement has been terminated under CMP376? Please provide the rationale for your response.	No comments on this section.
7	Do you agree with the circumstances when Milestone Dates will be changed – the “exceptions”? Please provide the rationale for your response.	Bute Energy would suggest that the exceptions should be widened to include any circumstance where it would not be appropriate for NG ESO to terminate the agreement.
8	Do you agree that the associated Construction Agreement will be terminated if Milestone Dates (unless covered by the exceptions) are missed and not rectified within the 60-calendar day period? Please provide the rationale for your response.	Bute Energy agrees with the principle, but would suggest that NG ESO should maintain discretion over the enforcement of termination events.
9	Do you agree with the proposed impacts on Milestones for different types of Modification Applications? Please provide the rationale for your response.	No comments on this section.
10	Does the CMP376 Original proposal or any of the potential alternative solutions impact your business and/or end consumers. If so, how?	All of Bute Energy’s projects are being progressed according to reasonable, efficient and expeditious programmes. If CMP 376 was to be applied from signature to the BCAs, several would be at risk of termination, based on the current development plans. This is not a current risk given the proposed implementation arrangements and it will be possible to align matters ahead of implementation. However, it does suggest that the required milestone dates do not align with current development practice and will impose additional costs and risks on developers. These costs

		and risks could offset the consumer benefit from implementing a stricter queue management regime.
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