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## CUSC Modification Proposal Form

# CMP454: CMP434/CMP435 Section 11 Changes

**Overview:** Following the Authority's decision on approving CMP434/CMP435 on 15 April 2025, two resultant definition changes are recommended to CUSC Section 11 to define concepts of "Gated Offers" and "Variations Clause" as respectively used in the CMP434/CMP435.

### Modification process & timetable



**Status summary:** The Proposer has raised a modification and is seeking a decision from the Panel on the governance route to be taken.

### This modification is expected to have a: **Low impact**

CUSC Schedule 1 Signatories, National Energy System Operator

#### Proposer's recommendation of governance route

Self-Governance modification to proceed to Code Administrator Consultation

#### Who can I talk to about the change?

**Proposer:** Alex Curtis  
[Alex.Curtis@neso.energy](mailto:Alex.Curtis@neso.energy)

**Code Administrator**  
**Contact:** [cusc.team@neso.energy](mailto:cusc.team@neso.energy)

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## What is the issue?

On 15 April 2025, the Authority approved modifications CMP434 – Implementing Connections Reform and CMP435 – Application of Gate 2 Criteria to existing contracted background. These modifications introduced the concepts of “Gated Offers” and a “Variations Clause”, however two changes to Section 11 ‘Interpretation and Definitions’ to introduce these definitions were not included in the legal text of the approved modifications.

Whilst the intent of these references in CMP434 and CMP435 legal text can generally be inferred from the approved text, adding them as explicit definitions provides additional clarity to Section 11 of the CUSC and removes the need for such inference. Following the approval of the modifications by the Authority these definitions should be included.

## Why change?

For the approved processes to be fully understood by the User within the context of CUSC, the additional definitions will be clearly defined within CUSC Section 11.

## What is the Proposer’s solution?

Insert definitions of “Gated Offers” and “Variations Clause” into Section 11 of the CUSC at the earliest opportunity to align with the implementation on CMP434 and CMP435.

## Legal text

Section 11 will be amended to add the following definitions:

Concept	Definition
“Gated Offers”	offers made by <b>The Company</b> in response to a <b>Gated Application</b> ;
“Variations Clause”	the Clause in the <b>Existing Agreements</b> providing that <b>The Company</b> and the <b>User</b> effect any amendment required to be made to those by the <b>Authority</b> as a result of a change in the <b>CUSC</b> , the <b>ESO Licence</b> or <b>Transmission Licence</b> , an order or direction made pursuant to the <b>Act</b> or a <b>Licence</b> or as a result of settling any of the terms thereof;

The full legal text can be found in **Annex 01**.

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## What is the impact of this change?

This change is of low impact to CUSC Schedule 1 Parties and The Company. It will enable Users to clearly understand the highlighted concepts and remove potential ambiguity in the CUSC as a result of [CMP434](#) and [CMP435](#).

Proposer's assessment against CUSC Non-Charging Objectives	
Relevant Objective	Identified impact
(i) The efficient discharge by the Licensee of the obligations imposed on it by the Act and by this licence*;	Neutral
(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;	Neutral
(iii) Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency **; and	Neutral
(iv) Promoting efficiency in the implementation and administration of the CUSC arrangements.	Positive  This modification will ensure that additional relevant definitions (within CUSC Section 11 as a result of <a href="#">CMP434</a> and <a href="#">CMP435</a> ) are included.

\* 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 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.

**Proposer's assessment of the impact of the modification on the stakeholder / consumer benefit categories**

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Stakeholder / consumer benefit categories	Identified impact
Improved safety and reliability of the system	Neutral
Lower bills than would otherwise be the case	Neutral
Benefits for society as a whole	Neutral
Reduced environmental damage	Neutral
Improved quality of service	<b>Positive</b> This modification ensures additional definitions resultant of modifications <a href="#">CMP434</a> and <a href="#">CMP435</a> are included within Section 11, allowing for the concepts to be clearly defined aiding User understanding and removing potential ambiguity.

## When will this change take place?

### Implementation date:

Five Business Days following the closure of the Appeals Window.

### Date decision required by

22 August 2025.

### Implementation approach

Section 11 to be updated in line with implementation of [CMP434](#)/[CMP435](#).

### Proposer's justification for governance route

Governance route: Self-Governance modification to proceed to Code Administrator Consultation.

This modification adds two definitions to the CUSC and should not need to be assessed by a Workgroup due to discussions already had during [CMP434](#)/[CMP435](#) Workgroup meetings. The most efficient way to implement this modification is by using the Self Governance arrangements contained within the CUSC as this would be the most efficient use of industry time and resource.

In the view of the Proposer, the modification meets the Self Governance Criteria as it relates to what is an administrative change and facilitates the Authority's approval of two CUSC modifications. It is proposed that this modification will clearly define two new concepts introduced to the CUSC, therefore removing future ambiguity for Users and will help facilitate the first Window as part of [CMP434](#)/[CMP435](#).

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## Interactions

☒ CUSC      ☐ BSC      ☐ STC      ☐ SQSS  
☐ European Network    ☐ EBR Article 18 T&Cs<sup>1</sup>    ☐ Other      ☐ Other  
 Codes      modifications

This proposal has been raised as a result of the implementation of CMP434/CMP435 but has no further interactions with any other code modifications.

## Acronyms, key terms and reference material

Acronym / key term	Meaning
BSC	Balancing and Settlement Code
CUSC	Connection and Use of System Code
EBR	Electricity Balancing Regulation
NETS	National Electricity Transmission System
GC	Grid Code
STC	System Operator Transmission Owner Code
SQSS	Security and Quality of Supply Standards
T&Cs	Terms and Conditions

## Reference material

The modification pages, including all documents and decision letters from the Authority, can be found here:

- [CMP434 Implementing Connections Reform | National Energy System Operator](#)
- [CMP435 Application of Gate 2 Criteria to existing contracted background | National Energy System Operator](#)

## Annexes

Annex	Information
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Annex 01	CMP454 Legal Text
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