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Urgency Nadir Hafeez
Ofgem
By email

Anthony Pygram
Independent Chair CUSC & Grid Code Panel

21 November 2025

CMP465 Urgency Request

Dear Nadir,

Connection and Use of System Code (CUSC) Modification Panel Request for Urgency and Recommended Timetable for **CMP465: Construction Progression Milestones (M5-M8) Neutrality**.

On 13 November 2025, SSE Generation raised **CMP465**. The Proposer sent a request to the CUSC Panel Secretary for this modification to be treated as urgent.

CMP465 seeks to deal with the extension given on the G2tWQ Connections offers until 2026 (from the end of 2025) and give affected Users the option to be placed back to the position they would have been (in terms of M5-M8 milestones only) had this extension not occurred.

All documentation for this modification can be located via the following [link](#).

The CUSC Modifications Panel ("the Panel") on 21 November 2025, considered **CMP465** and the associated request for urgency. This letter sets out the views of the Panel on the request for urgent treatment and the procedure and timetable that the Panel recommends.

The Proposer set out their rationale for Urgency against Ofgem's Urgency criteria (a) and (c), which is as follows:

a) A significant commercial impact on parties, consumers or other stakeholder(s) and c) A party to be in breach of any relevant legal requirements.

Given that G2tWQ offers will start to be issued in Q1 2026 there is an imminent issue of needing to provide certainty to stakeholders (prior to the start of Q1 2026, so by 31 December 2025), if relevant for their project, that they can exercise an option to extend one (or more) of the M5-M8 milestones such that the party is not in breach of their legal requirement to comply with the relevant Milestone(s) as a result of the timeline extension (to the provision of the G2tWQ offers) that was introduced, by NESO, in October 2025 as this would be a significant commercial impact on those parties.

Panel Consideration of the Request for Urgency

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The Panel considered the request for urgency with reference to Ofgem Guidance on Code Modification Urgency Criteria. The majority view of the Panel is that **CMP465 does meet** Ofgem's Urgency criteria¹. Therefore, the recommendation of the Panel is that **CMP465 should** be treated as an Urgent CUSC Modification Proposal.

Panel members set out their rationale behind this decision in discussion:

- NESO understands the concern from the Proposer but does not believe there is a case for urgency as the defect does not appear clear, and there is already a workaround within the codes which addresses the risk raised by the Proposer.
- Within CUSC Panel, a legal point was raised regarding the validity of the defect, with an action on NESO's legal team to clarify. That action has not yet been closed, and therefore at the time of writing, NESO does not believe the defect is clear and thus was not able to vote to recommend the modification, let alone recommend urgency for it. Regardless of the above legal query, the CUSC already allows for an exceptions process, and NESO has informed the Proposer that the intent is to use the exceptions process were the risk identified to occur, and as such NESO does not believe there is urgency in how quickly this modification should proceed.
- A Panel member agreed with the Proposer's justification for Urgency and noted that it is important that we can rely on codification of Users' options and NESO's options rather than a non-codified statement of intent.
- Another Panel member stated that NESO can use the Exceptional Issues process, as per clause 16.5 of the CUSC, to delay Users Appendix Q Milestones when they issue Gate 2 Modifications. Industry is concerned that this exception is at the discretion of NESO, and there should be a clear understanding of what delay can be applied to Appendix Q milestones.
- A Panel Member advised that their understanding is that Milestone M1 for all projects will be recalculated based on the Gate 2 offer date as per clause 18.14.2 in the CUSC. Milestone M3 will be completed as part of the Gate 2 Criteria. Therefore, they agree with the Proposer that the defect is specifically for Milestones M5-M8.

The following points were made when casting votes on urgency

- Some Panel members agreed with the Proposer's justification for urgency.
- There is a clear defect created by NESOs' successive delays to the Gate 2 to Whole Queue (CMP435) process, and this modification will provide legal certainty that Milestones M5-M8 will be extended (delayed) by a specific number of days due to the delay to Gate 2

¹ Ofgem's current view is that an urgent modification should be linked to an imminent issue or a current issue that if not urgently addressed may cause:

- a) A significant commercial impact on parties, consumers or other stakeholder(s); or
- b) A significant impact on the safety and security of the electricity and/or gas systems; or
- c) A party to be in breach of any relevant legal requirements.

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Offers being issued. This reduces the administration burden on the NESOs Connection Team.

- If Users wish to seek further delays to queue management milestones, then one member believed this can be requested as part of the Expectations Issue process, and it would be at NESO's discretion to grant delays to milestones. If a project has not been able to progress their project due to the NESO delays to the EA Timetable and is now in breach of their Appendix Q milestones, their connection agreement may be terminated as soon as they accept a Gate 2 Offer. Termination of connection agreements can have a significant commercial impact on Users (Urgency Criteria a). It is clear that Users not able to meet their Appendix Q milestones are in breach of any relevant legal requirements (Urgency Criteria c).

Procedure and Timetable

The Panel discussed an appropriate timetable for **CMP465** in the instance that urgency is granted.

The Panel agreed that **CMP465** subject to Ofgem's decision on Urgency should follow the attached Code Administrator's proposed timetable (Appendix 1 **Urgent recommendation**). In Appendix 2 of this letter, the Code Administrator has also provided the timeline if this follows standard timescales with the assumption that Panel prioritise this high in the prioritisation stack.

Panel noted that if urgency is required, there would be;

- Code Administrator Consultation period of less than 15 Business Days;

Under CUSC Section 8.24.4, we are now consulting the Authority as to whether this Modification is an Urgent CUSC Modification Proposal.

Please do not hesitate to contact me if you have any questions on this letter or the proposed process and timetable. I look forward to receiving your response.

Yours sincerely

Anthony Pygram

Anthony Pygram

Independent Chair of the CUSC and Grid Code Panel

Appendix 1– Urgent Timeline

Modification Stage	Date
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Modification presented to Panel	21 November 2025
Ofgem Decision on Urgency	By 26 November 2025 (5pm)
Code Administrator Consultation	27 November – 01 December 2025
Draft Final Modification Report (DFMR) issued to Panel	04 December 2025
Panel undertake DFMR recommendation vote	12 December 2025
Final Modification Report issued to Panel to check votes are recorded correctly	12 December 2025
Final Modification Report issued to Ofgem	12 December 2025
Ofgem Decision	30 December 2025
Implementation Date	31 December 2025

Appendix 2 – Standard Timeline

Modification Stage	Date
Modification presented to Panel	21 November 2025
Code Administrator Consultation	25 November – 16 December 2025
Draft Final Modification Report (DFMR) issued to Panel	22 January 2026
Panel undertake DFMR recommendation vote	30 January 2026
Final Modification Report issued to Panel to check votes are recorded correctly	30 January 2026
Final Modification Report issued to Ofgem	09 February 2026
Ofgem Decision	TBC
Implementation Date	TBC

Appendix 3 – Panel Urgency Vote

See separate attachment