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## Workgroup Consultation Response Proforma

### CMP445: Pro-rating first year TNUoS for Generators

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@neso.energy](mailto:cusc.team@neso.energy) by **5pm** on **22 August 2025**. 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 [cusc.team@neso.energy](mailto:cusc.team@neso.energy).

Respondent details	Please enter your details	
<b>Respondent name:</b>	Richard Buckland	
<b>Company name:</b>	Brockwell Energy Limited	
<b>Email address:</b>	Richard.buckland@brockwellenergy.co.uk	
<b>Phone number:</b>	0131 370 0000	
<b>Which best describes your organisation?</b>	<input type="checkbox"/> Consumer body <input type="checkbox"/> Demand <input type="checkbox"/> Distribution Network Operator <input checked="" type="checkbox"/> Generator <input type="checkbox"/> Industry body <input type="checkbox"/> Interconnector	<input type="checkbox"/> Storage <input type="checkbox"/> Supplier <input type="checkbox"/> System Operator <input type="checkbox"/> Transmission Owner <input type="checkbox"/> Virtual Lead Party <input type="checkbox"/> Other

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### I wish my response to be:

(Please mark the relevant box)

☒ **Non-Confidential** (*this will be shared with industry and the Panel for further consideration*)

☐ **Confidential** (this will be disclosed to the Authority in full but, unless specified, will not be shared with the Workgroup, Panel or the industry for further consideration)

### For reference the Applicable CUSC (charging) Objectives are:

- d) *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;*
- e) *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 C11 requirements of a connect and manage connection);*
- f) *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 and the ISOP business\*;*

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- g) Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency \*\*; and*
- h) Promoting efficiency in the implementation and administration of the system charging methodology.*

*\* See Electricity System Operator Licence*

*\*\*The Electricity Regulation referred to in objective (g) 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.*

*Means the Use of System Charging Objectives, as if references therein to the Use of System Charging Methodology were to the Connection Charging Methodology and in addition, the objective (where consistent with the other objectives) of facilitating competition in the carrying out of works for connection to the National Electricity Transmission System.*

### What is the EBR?

The Electricity Balancing Regulation (EBR) is a European Network Code introduced by the Third Energy Package European legislation in late 2017.

The EBR regulation lays down the rules for the integration of balancing markets in Europe, with the objectives of enhancing Europe's security of supply. The EBR aims to do this through harmonisation of electricity balancing rules and facilitating the exchange of balancing resources between European Transmission System Operators (TSOs). Article 18 of the EBR states that TSOs such as the NESO should have terms and conditions developed for balancing services, which are submitted and approved by Ofgem.

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**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 and/or any potential alternatives better facilitate the Applicable Objectives versus the current baseline?	Mark the Objectives which you believe each solution better facilitates than the current baseline:	
		Original	<input checked="" type="checkbox"/> (d) <input type="checkbox"/> (e) <input checked="" type="checkbox"/> (f) <input type="checkbox"/> (g) <input checked="" type="checkbox"/> (h) <input type="checkbox"/> None
		WACMI	<input checked="" type="checkbox"/> (d) <input checked="" type="checkbox"/> (e) <input checked="" type="checkbox"/> (f) <input type="checkbox"/> (g) <input checked="" type="checkbox"/> (h) <input type="checkbox"/> None
		Ensuring that generators only pay for the capacity that they use will definitely increase competition between generators. The current system distorts transmission charges for generators connecting mid year. The continued delays in connecting generators, including Brockwell, forces generators to pay for capacity that is not available.	
2	Do you support the proposed implementation approach?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		Given the importance of this proposal, we consider that it should be implemented, from 1 April 2026, with retrospective application for generators connecting in 2025/26.	
3	Do you have any other comments?	Brockwell raised CMP459 which proposed to pro-rate transmission charges when capacity is increased (or potentially decreased) within a	

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		charging year. Brockwell argued that CMP459 was different enough to CMP445 to be a stand-alone modification. We note that this is the view of the workgroup as well. Nevertheless, the CUSC Panel concluded that CMP459 should be progressed as a WACM for CMP445.
4	Do you wish to raise a Workgroup Consultation Alternative Request for the Workgroup to consider?	<input checked="" type="checkbox"/> Yes (the request form can be found in the <u>Workgroup Consultation</u> Section) <input type="checkbox"/> No  Brockwell will raise an alternative to augment CMP445 so that it applies the pro-rating proposal to capacity increases (and decreases) within the charging year. We note that this alternative would address the issue identified by CMP445.
5	Does the draft legal text satisfy the intent of the modification?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  We would like more clarity as to the reference to “other than by way of a phased / staged connection with separate Charging Date(s) where the connection of a new phase / stage would be pro-rated in accordance with 14.18.19(a) above” could be interpreted as pro-rating with respect to TEC increases within the Charging Year.
6	Do you agree with the Workgroup’s assessment that the	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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	modification does not impact the Electricity Balancing Regulation (EBR) Article 18 terms and conditions held within the Code?	Click or tap here to enter text.
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### Specific Workgroup Consultation questions

7	In negative charging zones, Generators receive credits based on output from November to February, unlike the TEC-based approach used in positive charging zones. The Workgroup propose that the prorating should be applied equally to all zones without distinction between positive or negatively charged zones. Do you agree? Please explain your rationale.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>We can see no reason why negative charged generation should not be pro-rated in the same way as positive charged generation. We can foresee issues when a generator connects in e.g. February or March when there may be a lack of output to generate the capacity metric and the credit is therefore considered "too low". However, the argument we assume is that if a generator is not contributing at system peak (defined as November to February), then it is right that the credit is reduced accordingly. This should not however default to a full year's charge.</p>
8	Do you have any views on the specific calculation proposed	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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	for prorating charges? Please provide your views.	We agree with the proposal to pro-rate by the number of days as this means generators will only pay for the capacity once it is available. We agree that if a generator connects during a day, then that should count as a full day for the purposes of the proposal. We note that the reference to a leap year should refer to 1/366.
9	Do you agree that a similar solution should be applied to operational users who permanently reduce their TEC, such as when decommissioning capacity or closing a generating station (or phase of a generating station)? please explain your rationale.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>It seems sensible to make the proposal symmetric for commissioning as well as decommissioning. We agree with the concern that pro-rating should only be available to permanent changes in TEC.</p>