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Workgroup Consultation Response Proforma

CMP414: CMP330/CMP374 Consequential Modification

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 cust.team@neso.energy by **5pm** on **18 May 2026**. 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 cust.team@neso.energy

Respondent details	Please enter your details	
Respondent name:	Charles Deacon	
Company name:	Eclipse Power Networks	
Email address:	charles.deacon@eclipsepower.co.uk	
Phone number:	07815466968	
Which best describes your organisation?	☐ Consumer body ☐ Demand ☒ Distribution Network Operator ☐ Generator ☐ Industry body ☐ Interconnector	☐ Storage ☐ Supplier ☐ System Operator ☐ Transmission Owner ☐ Virtual Lead Party ☒ Other

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*)

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

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

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

* 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.

For reference, (for consultation questions 5) the Electricity Balancing Regulation (EBR) Article 3 Objectives and regulatory aspects are:

- a) *fostering effective competition, non-discrimination and transparency in balancing markets;*
- b) *enhancing efficiency of balancing as well as efficiency of national balancing markets;*

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- c) integrating balancing markets and promoting the possibilities for exchanges of balancing services while contributing to operational security;*
- d) contributing to the efficient long-term operation and development of the electricity transmission system and electricity sector while facilitating the efficient and consistent functioning of day-ahead, intraday and balancing markets;*
- e) ensuring that the procurement of balancing services is fair, objective, transparent and market-based, avoids undue barriers to entry for new entrants, fosters the liquidity of balancing markets while preventing undue market distortions;*
- f) facilitating the participation of demand response including aggregation facilities and energy storage while ensuring they compete with other balancing services at a level playing field and, where necessary, act independently when serving a single demand facility;*
- g) facilitating the participation of renewable energy sources and supporting the achievement of any target specified in an enactment for the share of energy from renewable sources.*

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

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such as the NESO should have terms and conditions developed for balancing services, which are submitted and approved by Ofgem.

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 better facilitates the Applicable Objectives versus the current baseline?	Mark the Objectives which you believe the original solution better facilitates than the current baseline: <table border="1"> <tr> <td>Original</td> <td> ☒i ☒ii ☐iii ☒iv ☐None </td> </tr> </table> Click or tap here to enter text.	Original	☒ i ☒ ii ☐ iii ☒ iv ☐ None
Original	☒ i ☒ ii ☐ iii ☒ iv ☐ None			
2	Do you support the proposed implementation approach?	☒Yes ☐No Click or tap here to enter text.		
3	Do you have any other comments?	See last question below for general comments on contestability		
4	Do you wish to raise a Workgroup Consultation Alternative Request	☐Yes (the request form can be found in the Workgroup Consultation Section) ☒No		

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	for the Workgroup to consider?	Click or tap here to enter text.
5	Does the draft legal text satisfy the intent of the modification?	☐ Yes ☐ No Not answered
6	Do you agree with the Workgroup's assessment that the modification does not impact the Electricity Balancing Regulation (EBR) Article 18 terms and conditions held within the Code?	☒ Yes ☐ No Click or tap here to enter text.

Specific Workgroup Consultation questions

7	Do you believe that the Workgroup met the questions and concerns raised by Ofgem in the send	Not answered
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	back letter of August 2024. If not, please would you provide further information or evidence on any of the points set out in the send back letter appearing in Annex 03 of this report	
8	To what extent does CMP414, consequential to CMP330/374, help achieve the objectives outlined in Ofgem's demand connections reform call for input, as well as providing benefits to generation and storage? What gaps do you believe there are and what would you recommend to address them? Please provide	Contestability is a well-trodden path at distribution and is providing value for consumers without compromising safety; and has done so for nearly 20 years. The majority of new major connections are now delivered by ICPs and up to 80% are now adopted by IDNOs. Distribution provides a wide evidence base that can be reviewed when forming decisions on competition at higher voltages. Competition at transmission is currently far less effective or widespread. We strongly believe that industry should look to distribution colleagues for best practice, rather than creating new frameworks from scratch. This will also help in efficient administration and understanding by networks and customers. We welcome the measures to increase contestability at transmission, particularly in

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evidence for any comments	removing the 2km rule and allow self-build of sole-use H1 assets. This should help lead times and provide better outcomes for customers. However there is more that could be explored. Eclipse Power is a strong supporter of two mechanisms to increase competition at transmission, referenced in Ofgem's Call for Input: 1) Ownership of HV assets, regulatory clarification to allow private ownership of HV assets to allow large demand to be fed at supergrid voltages (which is a sound engineering decision) 2) Implementation of an Independent Transmission Owner regime, akin to IDNOs for last mile transmission 3) Further facilitation of GridCo and private network solutions, or different ownership boundaries, to co-locate demand and generation and provide collector substations All are essential to serve different customer needs. On contestability in general, there is a lot to be learnt from distribution – especially at common voltages such as 132 kV. As a key player in the independent space, we recommend the following CUSC enhancements: 1) Clear convertibility of offers to contestable without a Mod App (as at distribution)
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		2) Clearer guidance at what voltages contestability can be employed, extending to supergrid if possible 3) Extension of self-build to new shared infrastructure assets, such as new nodes or turn-ins. Developers are frequently asking if they can build substations to TO spec and hand to the TO for free. This would reduce lead times, personnel pressure and cost to consumers. 4) Allow customers to contribute towards capital costs of infrastructure works benefitting their connection, to speed up lead times and reduce cost to consumers And the following non-CUSC enhancements: 1) Increased approved supplier lists on TO registers, with open information such as in DNO G81 libraries 2) Augmentation of the NERS regime to supergrid voltages to give TOs comfort 3) Standardisation of treatment of 132 kV assets in all GB nations in relation to contestability and ownership 4) Establishment of a Competition in Connections Code of Practice at transmission
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