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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 cusc.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 cusc.team@neso.energy

Respondent details	Please enter your details	
Respondent name:	Shannon Murray	
Company name:	Scottish Power Renewables	
Email address:	smurray5@scottishpower.com	
Phone number:	07393781623	
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> We do not consider this proposal to better facilitate the applicable objectives. Introducing this proposal during a period of significant reform for transmission network with connections reform, Reformed National Pricing and Ofgem's charging reform, adds unnecessary complexity and uncertainty. We also question how this proposal aligns with wider reforms and alignment with SSEP/CSNP. Furthermore, we believe the proposal will be complex in instances where second comer connector may not want to be exposed to the risk of the initial generator-built assets.	Original	☐ i ☐ ii ☐ iii ☐ iv ☒ None
Original	☐ i ☐ ii ☐ iii ☐ iv ☒ None			
2	Do you support the proposed	☐ Yes ☒ No		

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	implementation approach?	
		Click or tap here to enter text.
3	Do you have any other comments?	No
4	Do you wish to raise a Workgroup Consultation Alternative Request for the Workgroup to consider?	☐ Yes (the request form can be found in the Workgroup Consultation Section) ☒ No Click or tap here to enter text.
5	Does the draft legal text satisfy the intent of the modification?	☒ Yes ☐ No Click or tap here to enter text.
6	Do you agree with the Workgroup's assessment that the modification does not impact the Electricity Balancing Regulation (EBR) Article 18 terms and	☒ Yes ☐ No Click or tap here to enter text.

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	conditions held within the Code?	
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Specific Workgroup Consultation questions

7	Do you believe that the Workgroup met the questions and concerns raised by Ofgem in the send 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	We recognise that the workgroup has attempted to fully address Ofgem's issues raised in their send back decision. However, we do not consider that the analysis and evidence presented by the workgroup will be sufficient to satisfy the requests from Ofgem in their send back.
8	To what extent does CMP414, consequential to CMP330/374, help achieve the objectives outlined in Ofgem's demand	CMP414 is trying to address similar defect as outlined in Ofgem's call for input, to allow demand users to have greater ability to self-build and own connection assets. However, Ofgem's rationale is similar to proposer's in that self-build will allow works to be completed quicker, and therefore accelerate speed of

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	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 evidence for any comments	connections. We consider there are still gaps in the evidence to support this, and it may be more useful to consider this defect as part of wider reforms e.g. connections rather than stand-alone modification.
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