

CUSC Alternative Form – Non Charging**CMP471 WACM 02:****Interim Contract Variation Process for projects experiencing delays due to exceptional issues out with the User's control ahead of the initial CMP434 Gated Application Window**

Overview: The Alternative proposal would introduce a requirement on Users to evidence the User's project delivery had been delayed as a result of one or more of the exceptional issues listed in *CUSC Section 16.5. Exceptional Issues on User Progression Milestones* before NESO would accept a connection date delay request for consideration.

Proposer: Niall Stuart on behalf of Aukera Energy

☒ I/We confirm that this Alternative Request proposes to modify the non - charging section of the CUSC only

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What is the proposed alternative solution?

The Original proposal is to amend Sections 17 'Application and Offer Process and 18 'Gated Process for Projects with Existing Agreements' of the CUSC to introduce a limited, time-bound Connection Date Variation Process ahead of the first CMP434 Gated Application Window. This process would allow any User in receipt of a Gate 2 offer to request a delay to their contracted connection date during the interim period, without the need to submit a full Gated Application.

This Alternative proposal would introduce a requirement on Users to evidence the User's project delivery had been delayed as a result of one or more of the following exceptional issues listed in *CUSC Section 16.5. Exceptional Issues on User Progression Milestones* before NESO would accept a connection date delay request for consideration:

- *Where the User is delayed in carrying out the User's Works which entitles the User to fix a later date or dates under Clause 3.2 of the Construction Agreement (Delays and Force Majeure) and that delay is the reason that a User Progression Milestone is not met;*
- *Where the User is not able to meet a User Progression Milestone due to an event of Force Majeure;*
- *Where delays caused by a party (other than the User, The Company or a Relevant Transmission Licensee) can be demonstrated to have an impact upon the User meeting a User Progression Milestone and the User could not have avoided these delays or their impact by the exercise of Good Industry Practice*
- *Where a User is not able to meet a User Progression Milestone due to Planning appeals and third-party challenges in relation to the User's Consents;*
- *Any delay in the achievement of a milestone by the User which is caused by a Relevant Transmission Licensee or The Company*

Whether or not the exceptional issues as listed here apply and the decision to grant a delay to a connection date would be a matter for the sole discretion of NESO.

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This would require a further change to CUSC Section 17.14 and Section 18 to set out the eligibility criteria.

What is the difference between this and the Original Proposal?

The Gate 2 to Whole Queue (G2TWQ) process was designed to ensure projects which were ready and strategically aligned remained in the connections queue but the outcome of the recent NESO Request for Information (RFI) as summarised in the NESO response to the CMP471 Workgroup Consultation, suggests that there is a significant number of projects which were not ready to deliver against their existing connection date and which are now seeking to secure a later connection date.

Likewise, one of the main objectives of TMO4+ was to remove the ability of projects which had not progressed sufficiently to defer their connection date in order to maintain their place in the connections queue. We are concerned that an open-ended right to request a later connection date would allow projects which had not progressed sufficiently to meet their existing connection dates to simply secure more time to deliver and result in significant re-working of the CMP435 connections network design process, which is now substantially complete.

As per the NESO and Transmission Owner (TO) CMP471 Workgroup consultation responses, there is a significant risk that the introduction of an open-ended right to request a connection date delay could lead to significant delays to the remaining phases of the implementation of the G2TWQ process and, potentially, to the opening of the first CMP434 application window.

As such, we believe that any applicant requesting a delay to their connection date should be required to demonstrate that their project has been subject to one or more of the exceptional issues listed above in order for NESO to consider their request. We believe that it is right and fair that projects in this position are able to request a later connection date ahead of the opening of the next gated application window.

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What is the impact of this change?

This would simply restrict the population of projects eligible to request a connection date delay, as set out above.

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*;	Positive This Alternative would lead to a smaller number of connection date delay requests to be processed by NESO and the TOs, allowing them to focus on the remaining phases of the G2TWQ process.
(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;	Positive This would ensure that projects were incentivised to deliver as close to their existing connection date as possible, resulting in greater competition in the generation of electricity, and would also allow projects which had been delayed due to circumstances out with the User's control to request a connection date delay, allowing these projects to potentially secure a more viable connection date.

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(iii) Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency **; and	Neutral The modification does not materially impact compliance with the Electricity Regulation or any relevant legally binding decisions.
(iv) Promoting efficiency in the implementation and administration of the CUSC arrangements.	Positive This Alternative would align the criteria (“exceptions process”) for the issuing of amended queue management milestones with the right to request a connection date delay. It would also avoid the need for NESO and the TOs to consider and process a significant number of requests to amend Gate 2 connection offers, processed and issued in line with the CUSC at the point they were submitted and processed.

* 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.

When will this change take place?

Implementation date:

This would be implemented at the same time as the Original proposal.

Implementation approach:

This would have the same implementation approach as the Original proposal

Acronyms, key terms and reference material

Acronym / key term	Meaning
G2TWQ	Gate 2 to Whole Queue
NESO	National Energy System Operator
RFI	Request for Information
TMO4+	[NESO's] Target Model Option 4 Plus
TO	Transmission Owner

Reference material:

1. [Queue Management Guidance \(December 2025 Update\)](#)