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Code Administrator Consultation Response Proforma

CMP471: Interim Contract Variation Process Ahead of CMP434

Gated Application Window

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 **25 September 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:	Alex Ikonic	
Company name:	Roadnight Taylor	
Email address:	alex@roadnighttaylor.co.uk	
Phone number:	Click or tap here to enter text.	
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

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I wish my response to be:

(Please mark the relevant box)	☒ Non-Confidential (this <u>will be shared</u> with industry and the Panel for further consideration)
	☐ Confidential (this will be disclosed to the Authority in full but, unless specified, <u>will not be shared</u> 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;

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- b) enhancing efficiency of balancing as well as efficiency of national balancing markets;*
- 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 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 Code Administrator Consultation questions		
1	Please provide your assessment for the proposed solution(s) against the Applicable Objectives against the current baseline.	Mark the Objectives which you believe the proposed solution(s) better facilitates than the current baseline:
		Original ☒ i ☒ ii ☐ iii ☒ iv ☐ None
		WACM1 ☒ i ☒ ii ☐ iii ☒ iv ☐ None
		WACM2 ☐ i ☒ ii ☐ iii ☒ iv ☐ None
		WACM3 ☒ i ☒ ii ☐ iii ☒ iv ☐ None
		Roadnight Taylor support the principle of a temporary process to allow projects to revise their connection dates. The prolonged restrictions on ModApps, combined with uncertainty over Gate 2 outcomes, have left some viable projects unable to progress against their existing contractual dates. We particularly welcome the proposal as a means of addressing inconsistent practices between TO's; while we believe there has been a level of pragmatism applied to some projects seeking delays, this has not universally been the case. A key benefit of CMP471 would be to establish a consistent framework for delay requests that is applied equally across all TO's. We do have some reservations on the reliance of (as yet unpublished) guidance documents on the assessment criteria. As currently proposed, there is a risk that the criteria remain too open to interpretation, creating uncertainty for applicants and risking a large portion of requests being rejected. That outcome would significantly reduce the effectiveness of CMP471.

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		A clear, transparent process should improve fairness and confidence across the industry. If this can be done outside of CMP471, for example by TO's proactively and consistently, engaging with customers and incorporating delay requests into Gate 2 offers (pre- or post- acceptance), this would be another way to achieve the goal of CMP471 without the risk of further delays to G2TWQ as flagged by NESO. In lieu of CMP471, this would require formal commitment from NESO and all TO's, as well as potentially comfort from Ofgem that this is the agreed approach for Gate 2 projects in this window and is allowable under license conditions.
2	Do you have a preferred proposed solution?	☐ Yes ☒ No If yes, please indicate below which one. It is difficult to choose a preference as the practical application of CMP471 is linked with as yet unknown external processes (e.g. the guidance document and risk of delays to G2TWQ timelines). Of the proposed solutions, we have a cautious preference for WACM3 which appears to offer a proportionate compromise to allow projects to realign (in a limited way) relevant Queue Management milestones with their realistic delivery programme.
3	Do you support the proposed implementation approach?	☒ Yes ☐ No In principle, we would support implementation 10 Business Days after an Authority decision, as the value of this modification is highly time-sensitive. However, it

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		is important that implementation occurs only after the relevant guidance, assessment criteria and systems have been set up. We acknowledge the concerns raised by NESO and the TO's on resource and the potential for CMP471 to further delay the G2TWQ programme. However, we do not consider these concerns to justify maintaining the status quo. The inability to amend connection dates has already persisted for an extended period and must be addressed. The focus should be on introducing a proportionate process, implemented consistently across TOs. We are aware that TOs have worked with some developers to incorporate delay requests into Gate 2 offers, and we strongly believe this principle should be extended to <u>all</u> projects requiring these changes, whether this is pre- or post- Gate 2 offer. We would welcome a letter of comfort from Ofgem to clarify that TO's license conditions can allow such changes.
4	Do you have any other comments?	We strongly support the principle of allowing connection dates to be aligned with realistic project delivery programmes. We consider the underlying defect to be both real and significant. Projects have been unable to amend connection dates for close to two years as a consequence of the G2TWQ process and its delays. What was originally envisaged as a temporary restriction has extended significantly beyond initial expectations, prolonging uncertainty of grid offer terms

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		and creating a growing divergence between contracted connection dates and realistic delivery programmes. We therefore consider that some form of intervention is now necessary. The issue also appears to be material across the industry, as evidenced by the level of engagement with NESO's ModApp Scoping Exercise and wider stakeholder support for a mechanism to address the issue. We believe the value of CMP471 depends on rapid implementation, transparent and consistently applied assessment criteria. Without these safeguards, the process risks creating further uncertainty. If the principle of CMP471 could be achieved through another avenue, and consistently across users e.g. delay requests to be incorporated into Gate 2 offers (pre or post acceptance), we would support this as an alternative. We note the Workgroup's view that embedded projects can update relevant dates without a Mod App and believe that NESO and the DNOs should confirm publicly that distribution-connected projects have an equivalent, transparent route and will not be disadvantaged by exclusion from CMP471.
5	Do you agree with the Workgroup's assessment that the modification does not	☒ Yes ☐ No

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	impact the Electricity Balancing Regulation (EBR) Article 18 terms and conditions held within the Code?	We agree with the Workgroup’s assessment that CMP471 does not impact the Electricity Balancing Regulation Article 18 terms and conditions held within the Code.
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