

Public

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:	Andrew Allan	
Company name:	RWE	
Email address:	Andrew.allan@rwe.com	
Phone number:	0787 057 970	
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

Public

I wish my response to be:

(Please mark the relevant box)	☒ Non-Confidential (<i>this <u>will be shared</u> with industry and the Panel for further consideration</i>)
	☐ Confidential (<i>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</i>)

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;*

Public

- 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.

Public

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: <table border="1"> <tr> <td>Original</td> <td>☐i ☒ii ☐iii ☒iv ☐None</td> </tr> <tr> <td>WACM1</td> <td>☐i ☒ii ☐iii ☒iv ☐None</td> </tr> <tr> <td>WACM2</td> <td>☐i ☒ii ☐iii ☐iv ☐None</td> </tr> <tr> <td>WACM3</td> <td>☐i ☒ii ☐iii ☒iv ☐None</td> </tr> </table> Click or tap here to enter text.	Original	☐ i ☒ ii ☐ iii ☒ iv ☐ None	WACM1	☐ i ☒ ii ☐ iii ☒ iv ☐ None	WACM2	☐ i ☒ ii ☐ iii ☐ iv ☐ None	WACM3	☐ i ☒ ii ☐ iii ☒ iv ☐ None
Original	☐ i ☒ ii ☐ iii ☒ iv ☐ None									
WACM1	☐ i ☒ ii ☐ iii ☒ iv ☐ None									
WACM2	☐ i ☒ ii ☐ iii ☐ iv ☐ None									
WACM3	☐ i ☒ ii ☐ iii ☒ iv ☐ None									
2	Do you have a preferred proposed solution?	☒Yes ☐No If yes, please indicate below which one. <table border="1"> <tr> <td>WACM3</td> </tr> </table>	WACM3							
WACM3										
3	Do you support the proposed implementation approach?	☒Yes ☐No We believe the implementation as described in the modification is appropriate and proportionate, and would hope that there is no reason to further extend or delay the implementation period beyond that described in the associated legal text.								

Public

4	Do you have any other comments?	A Connection Date Delay Request facility is valuable, to ensure Users can request to realign contracted positions, following the unexpected and material delays in the Connections Reform delivery process. Further, RWE supports WACM3 as the best solution, as it is important to be able to realign User Progression Milestones (as well as all other material contract elements) when making a Delay Request. It is currently unclear in the provisions of CUSC 16.5 what “Exceptional Issues” would be considered valid, and the existing “Gate 2 to Whole Queue Exception” in Queue Management Guidance does not cater for the full effect of the TO and NESO driven delays being experienced. Making this explicit within the scope of the CMP471 solution ensures self-consistency in the connection contracts generated following a successful Connection Date Delay Request, while WACM3 also places a cap on the maximum extension, and therefore limits the possibility of any unviable projects unintentionally remaining in the queue. Overall, RWE does not support WACM2 as being better than the baseline, due to the lack of established evidence required for alignment to CUSC 16.5, which we believe would only add uncertainty, risk and unnecessary complexity to this process – without material benefit – introducing inefficiency in opposition to Objective 4.
5	Do you agree with the Workgroup’s assessment that the	☐ Yes ☐ No

Public

	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.