



National Grid

AMENDMENT REPORT

CUSC Proposed Amendment CAP005

CUSC Panel's Role & Report Process

**The purpose of this document is for
submission to the Authority to assist
in their decision on CAP005**

Amendment Ref	CAP005
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Prepared by	National Grid

I DOCUMENT CONTROL**a National Grid Document Control**

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National Grid Website:

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Name	Organisation
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CUSC Parties	Various
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1.0 SUMMARY AND RECOMMENDATION

- 1.1 CAP005 proposes to amend Section 8 of the CUSC to enhance the role of the CUSC Amendments Panel in the CUSC Amendment Process.
- 1.2 Amendment Proposal CAP005 was proposed by British Energy, with support from other Parties (as detailed in the Amendment Proposal form, contained in Annex 1) and was submitted for consideration to the CUSC Amendments Panel Meeting on 9th November 2002. At the meeting, the Panel determined that a Working Group should be established to consider the Proposal.
- 1.3 The Governance Amendments Working Group (GAWG) were unable to reach a unanimous decision for CAP005. The Group considered the draft legal text in the Amendment Proposal and developed a 'highest common factor' Alternative Amendment that the Group supported unanimously against the applicable CUSC objectives. The legal text to give effect to the Alternative Amendment is contained as Part B of Annex 2.
- 1.4 The Working Group Report for CAP005 was submitted for consideration at the February 2002 Panel meeting, where it was determined that the Working Group had met their Terms of Reference and the Working Group Report was approved. The CUSC Panel instructed National Grid to initiate a period of wider industry consultation for the Amendment Proposal and the Alternative Amendment.
- 1.5 The Consultation Paper for CAP005 was published by National Grid on the CUSC website and copies sent to Core Industry Document Owners and CUSC Parties. Responses to the CAP005 Consultation were invited by 28th March 2002.
- 1.6 National Grid received a total of 7 responses to the consultation for CAP005. The majority of responses supported the Alternative Amendment. One response suggested amendments to the legal drafting for the Alternative Amendment, which has been presented as Alternative Amendment (B). A summary of responses is contained in Section 10 of this document, with full copies of each response contained in Annex 3.

National Grid Recommendation

- 1.7 National Grid recommends that the Alternative Amendment (B) should be approved on the basis that it better facilitates achievement of the Applicable CUSC Objectives and provides further clarity over Alternative Amendment (A). It is recommended that implementation takes place with effect from 10 days after the Authority's decision and is not retrospective.

2.0 PURPOSE AND SCOPE OF THE REPORT

- 2.1 This Amendment Report has been issued by National Grid under the rules and procedures specified in the Connection and Use of System Code (CUSC) as designated by the Secretary of State. Section 8.20 of the CUSC sets out the mandatory information to be contained in an Amendment Report.
- 2.2 This document details the nature of the CUSC changes proposed by CAP005 and includes the recommendation of National Grid. It also includes an indication of issues which arose from the industry consultation, and a summary of views from Panel Members. Copies of each of the responses to the consultation are included as Annex 3 to this document.

3.0 THE PROPOSED AMENDMENT

- 3.1 CAP005 was proposed by British Energy, with support from other Parties as detailed in the Amendment Proposal form (contained as Annex 1).
- 3.2 The Proposed Amendment contains a number of suggested text changes to Section 8 of the CUSC which proposes to enhance the role and effectiveness of the CUSC Amendments Panel as a key governance feature of the CUSC. The Proposer considers that as a neutral body in the decision-making process, the Panel would promote a better evaluation of Amendment Proposals and that the changes would improve the transparency of the reporting process to industry members.

4.0 IMPACT ON THE CUSC

- 4.1 The Proposed Amendment would require amendment of the following Paragraphs of Section 8 of the CUSC, 8.12.1, 8.12.5, 8.13.1, 8.13.3, 8.15.3, 8.15.4, 8.15.8, 8.16.4, 8.17.4, 8.17.6, 8.17.10, 8.17.11, 8.18.3, 8.18.5, 8.18.6, 8.20.1, 8.20.2, 8.20.3, 8.21.2 and 8.21.3. There will be no impact on other parts of the CUSC.
- 4.2 The text required to give effect to the Proposed Amendment is contained in Part A of Annex 2 of this document.

5.0 ASSESSMENT AGAINST APPLICABLE CUSC OBJECTIVES

- 5.1 In relation to the Proposed Amendment, which details changes to Section 8 of the CUSC, the objectives of Paragraph 6 of Licence Condition C7F of the Transmission Licence, is the relevant objective. In summary, Paragraph 6 requires the licensee to establish and operate procedures to modify the CUSC itself in order to better facilitate the Applicable CUSC Objectives and therefore the Proposed Amendment must better facilitate this process so that the broader objectives of facilitating effective competition can be achieved.
- 5.2 The Proposed Amendment was considered by the Governance Amendments Working Group by grouping changes where possible. The following groups of text as assessed by the Working Group relate to those changes in the Proposed Amendment that were not supported as better achieving the Applicable CUSC Objectives.

Groups: 1, 2, 17

The proposed text would change 'National Grid' to the 'Panel Secretary' in order for the process to appear more independent. This change would be counter to the requirements for National Grid to administer the Amendment Process contained within the Transmission Licence, and hence would not better facilitate the Applicable CUSC Objectives.

Groups: 7, 8, 12, 15

Changes proposing that 'National Grid' should be changed to the 'Amendments Panel', which would have the effect of enabling the Panel to have a greater role in the Amendment Process overall. Again this text change could conflict with the obligations on National Grid in the Transmission Licence and therefore would not better facilitate the Applicable CUSC Objectives.

Groups: 3, 7

Two of the proposed text changes put an obligation on the Authority to give reasons for their decisions made in the Amendment Process. It may not be appropriate to put obligations on the Authority within the CUSC, however the Working Group noted that they would expect the Authority to provide such explanations to ensure they followed due process.

Groups: 4, 5

These changes affected the role and relationship of the Panel Secretary with the Amendments Panel, generally to include provision for the Panel Secretary to consult with the Panel before undertaking any action. It was noted by the Governance Amendments Working Group that there are already appropriate checks and balances contained in Section 8 to ensure that the role of Panel Secretary is carried out effectively, therefore the text changes put forward by the Proposed Amendment are unnecessary and would not improve the effectiveness of the process and hence would not better facilitate the Applicable CUSC Objectives.

Groups 11, 15b

These changes propose to allow a Working or Standing Group to nominate a representative to present the report to the Amendments Panel, which currently is the obligation of the Working / Standing Group Chairman. As Working and Standing Group Chairmen are independent and the other members are representative, it would be inappropriate to make the proposed changes and the changes are not supported as better meeting the Applicable CUSC Objectives.

Groups: 16, 18, 19

In reviewing the text for CAP005, the Working Group recognised that the existing definition of 'Alternative Amendment' in the CUSC was inadequate and also that the process for Urgent Amendments was unclear and required clarification. It has subsequently been noted that National Grid is currently reviewing both of these issues.

- 5.3 The Working Group agreed that as there was more than one principle involved with the Proposed Amendment, it was not possible to determine whether it better facilitated the Applicable CUSC Objectives as a whole, and therefore the Proposal could not be supported.

6.0 ALTERNATIVE AMENDMENT (A)

Description of Alternative Amendment (A)

- 6.1 Alternative Amendment (A) was formulated by the Governance Amendments Working Group during their consideration of the Amendment Proposal, on a 'highest common factor' basis, from those groups of changes that gained unanimous support from the Working Group based on a review of the individual sections of draft legal text provided by the Proposer and determining if each change better facilitated the objectives. Where the text changes were not supported as better facilitating the applicable CUSC objectives, Alternative Amendment (A) proposed no change to the existing CUSC text.

Assessment Against Applicable CUSC Objectives

- 6.2 Where the text changes were not supported by the Governance Amendments Working Group as better facilitating the Applicable CUSC Objectives, the Alternative Amendment proposed no change to the existing CUSC text.

Group: 1b

Retaining information on the Amendment Register indefinitely would improve the clarity and efficiency of the Amendment Process. Therefore the Alternative Amendment proposes that the three-month limit be removed so that the Amendment Register would contain all historic information.

Group: 2

The Working Group felt that the production of a Progress Report each month, whether or not any notable activity had taken place, would improve the clarity and consistency of the Amendment Process.

Group: 6

The process of withdrawing Amendment Proposals requires some clarification. However, the proposed change of Paragraph 8.15.8(c) should go further and hence the change is removed completely in the Alternative Amendment in order that a specific proposal may be worked up in the future.

Group: 7

The Working Group noted the National Grid had agreed that the determination of the period for industry consultation would normally be in consultation with the Amendments Panel and therefore deletion of 8.16.4(b) and (c) was acceptable, with the consequential changes to 8.16.4(e).

Group: 9, 13

The Working Group agreed that the change in provision for the removal of Working or Standing Group Chairmen proposed by the Alternative Amendment would better facilitate the CUSC objectives by providing for a more efficient process. It was also agreed that the right to remove must lie with the body who appoints – namely National Grid.

Group: 10

The principle that all views of working group members, however diverse, should be represented in the working group report; was supported by the Group. The text contained in the Alternative Amendment was developed to better achieve this.

Group: 16, 18, 19

Other issues not forming part of the Alternative Amendment, but which the Working Group agreed should be addressed elsewhere, were the clarification of the definition of 'Alternative Amendment' and the review of the process for Urgent Amendments.

Impact of Alternative Amendment (A) on CUSC

- 6.3 Alternative Amendment (A) would require the amendment of the following Paragraphs of Section 8 of the CUSC, 8.12.3, 8.13.1, 8.15.8, 8.16.4, 8.17.6, 8.17.10, 8.18.5, 8.18.6 and 8.20.2. There will be no impact on other parts of the CUSC.
- 6.4 The text required to give effect to the Alternative Amendment is included as Part B of Annex 2 of this document.

7.0 ALTERNATIVE AMENDMENT (B)**Description of Alternative Amendment (B)**

- 7.1 Alternative Amendment (B) was proposed by Scottish Power during the wider industry consultation for the Proposed Amendment and Alternative Amendment (A). The Proposer of Alternative Amendment (B) recommends that following the deletion of Paragraphs 8.16.4(b) and (c) in Alternative Amendment (A), National Grid and the Amendments Panel no longer have separate discretions in establishing a timetable and that the text of the new Paragraph 8.16.4(b) of Alternative (A) should be further revised to reflect this.

Assessment Against the Applicable CUSC Objectives

- 7.2 The assessment against the Applicable CUSC Objectives for Alternative Amendment (B) is the same as that for Alternative Amendment (A). The revision to the legal drafting of Alternative Amendment (A), which has been put forward as Alternative Amendment (B) would not change the intent of Alternative Amendment (A), but would add further clarity to the text and therefore the Amendment Process.

Impact of Alternative Amendment (B) on CUSC

- 7.3 Alternative Amendment (B) would require amendment the CUSC as Alternative Amendment (A), but would also require the further amendment of Paragraph 8.16.4(b).
- 7.4 The text required to give effect to Alternative Amendment (B) is included as Part C of Annex 2 of this document.

8.0 IMPACT ON CUSC PARTIES

- 8.1 No impact has been identified on CUSC Parties from the Proposed Amendment or the Alternative Amendments.

9.0 IMPACT ON CORE INDUSTRY DOCUMENTS

- 9.1 The Proposed Amendment and Alternative Amendments will have no impact on Core Industry Documents or other industry documentation.

10.0 IMPLEMENTATION AND TIMESCALES

- 10.1 Both the Proposed Amendment and the Alternative Amendments deal with the role of the Panel and the reporting process and therefore it is recommended that implementation should not be retrospective. It is recommended that implementation takes place with effect from 10 days after the Authority's decision.

11.0 SUMMARY OF VIEWS AND REPRESENTATIONS

- 11.1 This Section contains a summary of the views and representations made by consultees during the consultation period in respect of the Proposed Amendment and the Alternative Amendment.

Views of Panel Members

- 11.2 No formal responses have been submitted to the consultation by members of the Amendments Panel.

Core Industry Document Owners

- 11.3 No responses have been submitted by Core Industry Document Owners to the wider industry consultation carried out for CAP005.

Responses to Consultation

- 11.4 The following table provides an overview of each representation. Copies of the representations are attached as Annex 3.

Reference	Company	Supportive	Comments
CAP005-CR-01	TXU Europe Energy Trading Ltd	No	Support Alternative Amendment.
CAP005-CR-02	British Energy	Of Both	Support approval of either the Proposed Amendment or the Alternative Amendment.
CAP005-CR-03	Powergen UK plc	No	Support Alternative Amendment.
CAP005-CR-04	EdF Trading Ltd & EdF (Generation)	No	Support Alternative Amendment.
CAP005-CR-05	British Gas Trading Ltd	No	Support Alternative Amendment.
CAP005-CR-06	ScottishPower Energy Retail Ltd & Scottish Power Generation Ltd	No	Support Alternative Amendment.

Reference	Company	Supportive	Comments
CAP005-CR-07	London Electricity Group	Of Both	Prefers the Proposed Amendment as the Alternative Amendment loses some benefits. Supports Alternative Amendment if Proposed Amendment is lost.

- 11.5 National Grid received a total of 7 responses to the consultation on CUSC Amendment CAP005. Of the total responses, 5 supported the Alternative Amendment as better meeting the Applicable CUSC Objectives and 2 responses were in favour of both the Proposed Amendment and Alternative Amendment (A) and would support implementation of either.
- 11.6 A majority of respondents recognised that the Proposed Amendment contained a number of separate strands and supported the formulation by the Working Group of the Alternative Amendment to form a more targeted approach to improve clarity and efficiencies in the Amendment Process and hence better meet the Applicable CUSC Objectives.
- 11.7 One respondent (BE) noted that the Alternative Amendment had 'lost' some elements of the Proposed Amendment which dealt with the role of the CUSC Amendments Panel. But supported the Alternative Amendment as a meaningful compromise to the Proposed Amendment.
- 11.8 However, another respondent (LE) supported the Proposed Amendment and made particular reference to the changes to allow the Amendments Panel a greater role in the Amendment Process as better meeting the Applicable CUSC Objectives.
- 11.9 In support of the Alternative Amendment, one respondent (SP) agreed that elements of the Proposed Amendment may conflict with obligations contained in the Transmission Licence.
- 11.10 Regarding some respondents who felt that the Alternative Amendment had lost certain aspects concerning the role of the Amendments Panel, National Grid believe that such changes would conflict with the obligations contained in the Transmission Licence to establish and operate procedures for the modification of the CUSC (including procedures for modification of the modification procedures themselves).
- 11.11 A number of respondents noted and supported the Governance Amendments Working Group recommendation to National Grid to take forward the issues of clarifying the definition of Alternative Amendment and the process of Urgent Amendments.
- 11.12 National Grid notes the responses highlighting other governance issues requiring clarification. At their March meeting the Amendments Panel established a Governance Standing Group to consider various aspects of the current Amendment Process for evaluating Amendment Proposals.
- 11.13 National Grid notes the points made by one respondent to the legal text contained in the consultation document. Regarding the point concerning paragraph 8.15.8, National Grid recognise that there are issues in the process

of withdrawal of amendment proposals, these issues will be reviewed with the view to bringing forward an amendment proposal in the future. Regarding the comment made on paragraph 8.16.4, National Grid note that such a change may be appropriate as it further clarifies Alternative Amendment (A), but is not essential in the context of the paragraph.

12.0 SUMMARY OF PANEL MEMBERS VIEWS

12.1 On the basis of the consultation and assessment undertaken in respect of CUSC Amendment Proposal CAP005, the majority of those CUSC Amendments Panel Members expressing a view, considered that Alternative Amendment B (as outlined in the Amendment Report) should be implemented to the time-scales as recommended. One CUSC Amendments Panel Member favoured the original Amendment.

13.0 NATIONAL GRID RECOMMENDATION

13.1 National Grid recommends that the Proposed Amendment is not made as it does not better facilitate achievement of the Applicable CUSC Objectives. The Proposed Amendment contains elements that are not consistent with the requirements on National Grid in the Transmission Licence and would not add clarity or efficiencies to the Amendment Process.

13.2 It is the recommendation of National Grid that Alternative Amendment (B) is implemented as it provides a more focused alternative to the Proposed Amendment to better facilitate achievement of the Applicable CUSC Objectives. This is on the basis that the changes proposed would better clarify and facilitate the Amendment Process. The amended legal text of Alternative Amendment (A) which forms Alternative Amendment (B) improves clarity in the CUSC text and hence clarity in the process.

14.0 COMMENTS ON DRAFT AMENDMENT REPORT

14.1 National Grid received 3 responses following the publication of the draft Amendment Report. The following table provides an overview of each representation. Copies of the representations are attached as Annex 4.

Reference	Company	Summary of Comments
CAP005-AR-01	ScottishPower Energy Retail Limited & Scottish Power Generation Limited	Reiterate points made during consultation concerning suggested changes to legal drafting for the Alternative Amendment.
CAP005-AR-02	London Electricity Group	Revise summary of response in Section 10.4 of draft Amendment Report.
CAP005-AR-03	British Energy	Reinstate full original title of Amendment Proposal. Correct summary of response contained in Section 10.4 of draft Amendment Report.

14.2 Following responses from London Electricity Group and British Energy, the CAP005 Amendment Report has been amended accordingly.

- 14.3 Following reiteration of their response to the consultation, Scottish Power have put forward a change to the legal drafting of the Alternative Amendment to be taken forward as a second Alternative Amendment to the Proposed Amendment. This Amendment Report has been amended to reflect this change.
- 14.4 A second draft of the Amendment Report to include details of Alternative Amendment (B) was circulated on 30th April 2002, inviting comments by 8th May 2002. Scottish Power submitted a response supporting Alternative Amendment (B). A copy of this response is also included in Annex 4 Reference CAP005-AR-04.

Annex 1 - Amendment Proposal Form

Those wishing to propose an Amendment to the CUSC should do so by filling in this "Amendment Proposal Form" that is based on the provisions contained in Section 8.15 of the CUSC. The form seeks to ascertain details about the Amendment Proposal so that the CUSC Panel can determine more clearly whether the proposal should be considered by a Working Group or go straight to wider National Grid Consultation.

The Panel Secretary will check that the form has been completed, in accordance with the requirements of the CUSC, prior to submitting it to the Panel. If the Panel Secretary accepts the Amendment Proposal form as complete, then he will write back to the Proposer informing him of the reference number for the Amendment Proposal and the date on which the Proposal will be considered by the Panel. If, in the opinion of the Panel Secretary, the form fails to provide the information required in the CUSC, then he may reject the Proposal. The Panel Secretary will inform the Proposer of the rejection and report the matter to the Panel at their next meeting. The Panel can reverse the Panel Secretary's decision and if this happens the Proposer will be informed by the Panel Secretary.

The completed form should be returned to:

Mark Cox
Panel Secretary
Commercial Development
National Grid Company plc
National Grid House
Kirby Corner Road
Coventry, CV4 8JY

Or via e-mail to:

CUSC.Team@uk.ngrid.com

(Participants submitting this form by email will need to send a statement to the effect that the proposer acknowledges that on acceptance of the proposal for consideration by the Amendments Panel, a proposer which is not a CUSC Party shall grant a licence in accordance with Paragraph 8.15.7 of the CUSC. A Proposer which is a CUSC Party shall be deemed to have granted this Licence.)

Proposers Name:

(Name of party making the proposal. An Amendment Proposal may be made by a CUSC Party, a BSC Party or by "energywatch")

British Energy Generation Ltd

Proposers Representative:

(The name of the person representing the Proposer (and his alternate) for the purposes of the Amendment Process)

Steve Phillips (alternate John Capener)

Organisations Name and Address:*(Organisation on whose behalf the Amendment is proposed)*

British Energy Generation Limited, Barnett Way, Barnwood, Gloucester, GL4 3RS

In addition to BEGL, the following CUSC Parties listed alphabetically below are joint sponsors for this Amendment Proposal:

1. AES Drax Power Limited Selby, North Yorkshire, YO8 8PQ
2. Barking Power Ltd Barking Power Station, Chequers Lane, Dagenham, RM6 6PF
3. Deeside Power Development Company Ltd, Senator House, 85 Queen Victoria Street, London EC4V 4DP
4. Enron Direct Limited Enron House, 40 Grosvenor Place, London, SW1X 7EN
5. First Hydro Company Bala House, Lakeside Business Village, St. David's Park, Deeside, Flintshire, CH5 3XJ
6. Humber Power Limited South Humber Bank Power Station, South Marsh Road, Stallingborough, North East Lincolnshire, DN41 8BZ
7. Teesside Power Limited Dunedin House, Columbia Drive, Thornaby, Stockton On Tees, Cleveland, TS17 6 BJ

Capacity in which the Organisation Proposes to make an Amendment:*(i.e. CUSC Party, BSC Party or "energywatch")*

CUSC Party

Description of the issue or defect which the proposed Amendment seeks to address:*(This should be in reasonable, but not excessive detail)*

The role of the Panel in the CUSC Amendment process is neither strong enough nor consistent with the BSC. The Panel should have appropriate constitutional powers to enable it to provide appropriate checks and balances in relation to the actions of NGC and the Authority within the Amendments process.

Description of the proposed Amendment and of its nature and purpose:*(This should be in reasonable but not excessive detail)*

To enhance the role and effectiveness of the Panel as a key governance feature of the new code.

An indication of those parts of the CUSC which would require amendment in order to give effect to (or would otherwise be affected by) the proposed amendment and an indication of the nature of those amendments or effects.*(This should be given where possible)*

Please refer to the attachment for suggested, indicative changes/additions to be incorporated to appropriate clauses of section 8 of the CUSC to give effect to the proposed amendment.

Please note that it is the principle of the Amendment Proposal that is to be reviewed and approved by an appropriate review/consultation process to be decided by the CUSC Amendment Panel.

This indicative text is a suggested solution which may or may not be considered exhaustive in its detail and scope.

Reasons why the Proposer believes that the proposed Amendment would better facilitate achievement of the Applicable CUSC Objectives as compared with the current version of the CUSC with background information in support thereof.

The Proposer considers that the proposed amendments would better facilitate the achievement of the Applicable CUSC Objectives since these would promote a better evaluation of Amendment Proposals by the Panel as a neutral body in the decision-making process.

In addition this proposal identifies a number of the proposed text changes to further improve the transparency of the reporting process to industry and other stakeholders. Implementing, maintaining and improving procedures to incorporate best industry practice should form an essential part of NGC's responsibility to achieve the efficient discharge of its licence obligations.

The amendment will increase confidence in the CUSC by all Parties. Confidence in the CUSC is a central part of the framework for the operation of the market and the development of competition.

An indication of the impact of the proposed Amendment on Core Industry Documents.

(This should be given where possible)

None

An indication of the impact of the proposed Amendment on relevant computer systems and processes used by CUSC Parties.

(This should be given where possible)

None

A statement to the effect that the Proposer acknowledges that on acceptance of the proposal for consideration by the Amendments Panel a Proposer shall grant a Licence in accordance with Clause 8.15.7 of the CUSC.

(A signature to this effect must be given by a Proposer, which is not a CUSC Party)

Proposer is a CUSC Party

Annex 2 – Proposed Text to modify CUSC

Part A - Text to give effect to the Proposed Amendment

Conformed Version

1. Amendment Register

8.12.1 ~~NGC~~The Panel Secretary shall establish and maintain a register (“**Amendment Register**”) which shall record the matters set out in Paragraph 8.12.3.

8.12.5 The Amendment Register shall include details of:

(a) each Amendment Proposal which has been withdrawn pursuant to Paragraph 8.15.8 or rejected by the Amendment Panel; and

(b) each Approved Amendment which has been implemented.

2. Progress Report

8.13.1 ~~NGC~~The Panel Secretary shall prepare and submit to the **Authority** each month (or such less often period if there is no material matter arising to report) a progress report (“**Progress Report**”) setting out the matters referred to in Paragraph 8.13.2 in respect of the preceding month and send a copy of the **Progress Report** to each **Panel Member**.

3. Progress Report

8.13.3 If, following discussion with the **Amendments Panel**, the **Authority** issues a notice to the **Panel Secretary** requesting **NGC** and the **Amendments Panel** (in relation to developments and changes highlighted in the monthly **Progress Report**) and giving reasons for that request ...

4. Amendments Proposals

8.15.3 if a proposal (other than a proposal by the Amendments Panel under Paragraphs 8.21.8 or 8.23.5) fails in any material respect to provide the information in Paragraph 8.15.2 (excluding Paragraphs (e), (g) and (h) thereof), the **Panel Secretary** may, in consultation with the Amendments Panel subject to Paragraph 8.13.3(a), reject such proposal provided that:

(d) nothing in this Section 8 shall prevent a **Proposer** from submitting a revised proposal in compliance with the requirements of Paragraph 8.15.2 in respect of the same subject-matter.

5. Amendment Proposal

8.15.4 Without prejudice to the development of an **Alternative Amendment** pursuant to Paragraph 8.20.2, a proposal shall be rejected by the **Panel Secretary** in consultation with the Amendments Panel pursuant to Paragraph 8.15 if and to the extent that such proposal has, in the

opinion of the **Amendments Panel**, substantially the same effect as:
(...)

6. Amendments Proposals

8.15.8 A **Proposer** may withdraw his **Amendment Proposal** on notice to the **Panel Secretary** at any time, in which case the **Panel Secretary** shall forthwith:

- (c) if no notice is received under (a) or (b), ~~or the **Amendments Panel** decides not to notify **CUSC Parties** under (b)~~, delete the **Amendment Proposal** from the **Amendment Register** and mark it as withdrawn; and

7. Panel Proceedings

8.16.4

- (c) **NGC** shall in consultation with the **Amendments Panel** establish the part of the timetable for the consultation to be undertaken by **NGC** under this Section 8 and separately the preparation of an **Amendment Report** to the **Authority**;

(...)

- (e) Without prejudice to Paragraph (d) above, the timetable under (b) above shall be set such that it is no longer than three months, that under (c) above such that it is no longer than two months for the consultation and another 14 days for the preparation of the **Amendment Report**, unless in any case the particular circumstances of the **Amendment Proposal** (taking due account of its complexity, importance and urgency) justify an extension of such timetable, ~~and provided subject to any objection from~~ the **Authority** ~~does not object giving reasons~~ taking into account all those issues.

8. Working Groups

8.17.4 ~~The **Amendments Panel**~~ **NGC** shall in consultation with **NGC** ~~the **Amendments Panel**~~ appoint the chairman of the **Working Group** who shall act impartially and as an independent chairman.

9. Working Groups

8.17.6 The **Amendments Panel** may (but shall not be obliged to) replace any member of a **Working Group** appointed pursuant to Paragraph 8.17.3 ~~or 8.17.4~~ at any time if such member is unwilling or unable for whatever reason to fulfill that function and/or is deliberately and persistently disrupting or frustrating the work of the **Working Group**

10. Working Groups

8.17.10

- (b) If a **Working Group** is unable to reach agreement on any such matter, the report must reflect all of the diverse~~the~~ views of the members of the **Working Group**.

11. Working Groups

8.17.11 The chairman or another member (nominated by the ~~chairman~~ Working Group) of the **Working Group** shall attend the next **Amendments Panel** meeting following delivery of the report and may be invited to present the findings and/or answer the questions of **Panel Members** in respect thereof. Other members of the **Working Group** may also attend such **Amendments Panel** meeting.

12. Standing Groups

8.18.3 ~~NGC~~The Amendments Panel shall in consultation with ~~the~~ Amendments Panel–~~NGC~~ appoint the chairman of each **Standing Group** who shall act impartially and as an independent chairman.

13. Standing Groups

8.18.5 The **Amendments Panel** may (but shall not be obliged to) replace any member of a **Standing Group** appointed pursuant to Paragraph 8.18.2 or 8.18.3 at any time if such member is unwilling or unable for whatever reason to fulfill that function and/or is deliberately and persistently disrupting or frustrating the work of the **Standing Group**.

14. Standing Groups

8.18.6

- (b) If a **Standing Group** is unable to reach agreement on any such matter, the report must reflect all of the diverse views of the members of the **Standing Group**.

- (d) The chairman or another member (nominated by the Standing Group ~~chairman~~) of the **Standing Group** shall attend the next **Amendments Panel** meeting following delivery of the report and may be invited to present the findings and/or answer the questions of **Panel Members** in respect thereof. Other members of the **Standing Group** may also attend such **Amendments Panel** meeting.

15. Amendment Report

8.20.1 Subject to **NGC's** consultation having been completed, ~~NGC~~ the Amendments Panel shall in conjunction with NGC and taking due account of responses received prepare and submit to the **Authority** a report (the "**Amendment Report**") in accordance with this Paragraph 8.20 for each **Amendments Proposal** which is not withdrawn.

16. Amendment Report

8.20.2 The matters to be included in an **Amendment Report** shall be the following (in respect of the **Amendment Proposal**):

- (a) the **Proposed Amendment**;
- (b) separately and with equal emphasis, the recommendation of each of NGC and the Amendments Panel as to whether or not the **Proposed Amendment** (or any **Alternative Amendment** as provided below) should be made;
- (e) a full description and analysis of any alternative proposed amendment developed by any Working Group or otherwise proposed during the consultation ("**Alternative Amendment**") which, as compared with the **Proposed Amendment**, may better facilitate achievement of the **Applicable CUSC Objective(s)** and the views and rationale in respect thereof;
- (h) to the extent such information is available ~~to NGC~~, an assessment of the impact of the **Proposed Amendment** and any **Alternative Amendment** on **CUSC Parties** in general (or classes of **CUSC Parties** in general), including the changes which are likely to be required to their internal systems and processes and an estimate of the development, capital and operating costs to such CUSC Parties associated with implementing the changes to the **CUSC** and to **Core Industry Documents** together with a summary of representations in relation to such matters;

17. Amendment Report

8.20.3 A draft of the **Amendment Report** will be circulated by ~~the NGC~~ Panel Secretary to **CUSC Parties** and **Panel Members** (and its provision in electronic form on the **NGC Website** and in electronic mails to **CUSC Parties** and **Panel Members**, who must supply relevant details, shall meet this requirement) and a period of no less than five (5) **Business Days** given for comments to be made thereon. Any unresolved comments made shall be reflected in the final **Amendment Report**.

18. Urgent Amendment Proposals

8.21.2 The matters referred to in Paragraph 8.21.1 are:

- (a) whether such proposal is so urgent that it cannot wait for the full Amendment Procedures to be completed and so should be treated as an **Urgent Amendment Proposal** in accordance with this Paragraph 8.21 and (b) if so, the procedure and timetable to be followed in respect of such **Urgent Amendment Proposal**.

19. Urgent Amendment Proposals

8.21.3 If:

- (a) the **Amendments Panel** agrees that such proposal is so urgent that it cannot wait for the full **Amendment Procedures** to be completed and so should be treated as an **Urgent Amendment Proposal**; or
- (...)
- (c) where the **Panel Chairman** or the **Panel Secretary** was unable to contact any other **Panel Member**, the **Panel Chairman** considers that such proposal is so urgent that it cannot wait for the full **Amendment Procedures** to be completed and so should be treated as an **Urgent Amendment Proposal**, the **Panel Chairman** or, in his absence, the **Panel Secretary** shall forthwith consult the **Authority** as to whether such **Amendment Proposal** is an **Urgent Amendment Proposal** and, if so, as to the procedure and timetable which should apply in respect thereof.

Part A - Text to give effect to the Proposed Amendment

Clean Version

1. Amendment Register

8.12.1 The **Panel Secretary** shall establish and maintain a register (“**Amendment Register**”) which shall record the matters set out in Paragraph 8.12.3.

8.12.5 The **Amendment Register** shall include details of:

- (a) each **Amendment Proposal** which has been withdrawn pursuant to Paragraph 8.15.8 or rejected by the **Amendment Panel**; and
- (b) each **Approved Amendment** which has been implemented.

2. Progress Report

8.13.1 The **Panel Secretary** shall prepare and submit to the **Authority** each month (or such less often period if there is no material matter arising to report) a progress report (“**Progress Report**”) setting out the matters referred to in Paragraph 8.13.2 in respect of the preceding month and send a copy of the **Progress Report** to each **Panel Member**.

3. Progress Report

8.13.3 If, following discussion with the **Amendments Panel**, the **Authority** issues a notice to the **Panel Secretary** requesting **NGC** and the **Amendments Panel** (in relation to developments and changes highlighted in the monthly **Progress Report**) and giving reasons for that request: ...

4. Amendments Proposals

8.15.3 if a proposal (other than a proposal by the **Amendments Panel** under Paragraphs 8.21.8 or 8.23.5) fails in any material respect to provide the information in Paragraph 8.15.2 (excluding Paragraphs (e), (g) and (h) thereof), the **Panel Secretary** may, **in consultation with the Amendments Panel** subject to Paragraph 8.13.3(a), reject such proposal provided that:

- (d) nothing in this Section 8 shall prevent a **Proposer** from submitting a revised proposal in compliance with the requirements of Paragraph 8.15.2 in respect of the same subject-matter.

5. Amendment Proposal

8.15.4 Without prejudice to the development of an **Alternative Amendment** pursuant to Paragraph 8.20.2, a proposal shall be rejected by the **Panel Secretary** in consultation with the **Amendments Panel** pursuant to Paragraph 8.15 if and to the extent that such proposal has, in the opinion of the **Amendments Panel**, substantially the same effect as: (...)

6. Amendments Proposals

8.15.8 A **Proposer** may withdraw his **Amendment Proposal** on notice to the **Panel Secretary** at any time, in which case the **Panel Secretary** shall forthwith:

- (c) if no notice is received under (a) or (b), delete the **Amendment Proposal** from the **Amendment Register** and mark it as withdrawn; and (...)

7. Panel Proceedings

8.16.4

- (c) **NGC** shall in consultation with the **Amendments Panel** establish the part of the timetable for the consultation to be undertaken by **NGC** under this Section 8 and separately the preparation of an **Amendment Report** to the Authority;

(...)

- (e) Without prejudice to Paragraph (d) above, the timetable under (b) above shall be set such that it is no longer than three months, that under (c) above such that it is no longer than two months for the consultation and another 14 days for the preparation of the **Amendment Report**, unless in any case the particular circumstances of the **Amendment Proposal** (taking due account of its complexity, importance and urgency) justify an extension of such timetable, subject to any objection from the **Authority** giving reasons taking into account all those issues.

8. Working Groups

8.17.4 The **Amendments Panel** shall in consultation with **NGC** appoint the chairman of the **Working Group** who shall act impartially and as an independent chairman.

9. Working Groups

8.17.6 The **Amendments Panel** may (but shall not be obliged to) replace any member of a **Working Group** appointed pursuant to Paragraph 8.17.3 or 8.17.4 at any time if such member is unwilling or unable for whatever reason to fulfill that function and/or is deliberately and persistently disrupting or frustrating the work of the **Working Group**.

10. Working Groups

8.17.10

- (b) If a **Working Group** is unable to reach agreement on any such matter, the report must reflect all of the diverse views of the members of the **Working Group**.

11. Working Groups

8.17.11 The chairman or another member (nominated by the **Working Group**) of the **Working Group** shall attend the next **Amendments**

Panel meeting following delivery of the report and may be invited to present the findings and/or answer the questions of **Panel Members** in respect thereof. Other members of the **Working Group** may also attend such **Amendments Panel** meeting.

12. Standing Groups

8.18.3 The **Amendments Panel** shall in consultation with **NGC** appoint the chairman of each **Standing Group** who shall act impartially and as an independent chairman.

13. Standing Groups

8.18.5 The **Amendments Panel** may (but shall not be obliged to) replace any member of a **Standing Group** appointed pursuant to Paragraph 8.18.2 or 8.18.3 at any time if such member is unwilling or unable for whatever reason to fulfill that function and/or is deliberately and persistently disrupting or frustrating the work of the **Standing Group**.

14. Standing Groups

8.18.6

(b) If a **Standing Group** is unable to reach agreement on any such matter, the report must reflect all of the diverse views of the members of the **Standing Group**.

(d) The chairman or another member (nominated by the **Standing Group**) of the **Standing Group** shall attend the next **Amendments Panel** meeting following delivery of the report and may be invited to present the findings and/or answer the questions of **Panel Members** in respect thereof. Other members of the **Standing Group** may also attend such **Amendments Panel** meeting.

15. Amendment Report

8.20.1 Subject to **NGC's** consultation having been completed, the **Amendments Panel** shall in conjunction with **NGC** and taking due account of responses received prepare and submit to the **Authority** a report (the "**Amendment Report**") in accordance with this Paragraph 8.20 for each **Amendments Proposal** which is not withdrawn.

16. Amendment Report

8.20.2 The matters to be included in an **Amendment Report** shall be the following (in respect of the **Amendment Proposal**):

- (a) the **Proposed Amendment**;
- (b) separately and with equal emphasis, the recommendation of each of **NGC** and the **Amendments Panel** as to whether or not the **Proposed Amendment** (or any **Alternative Amendment** as provided below) should be made;
- (e) a full description and analysis of any alternative proposed amendment developed by any **Working Group** or otherwise

proposed during the consultation (“**Alternative Amendment**”) which, as compared with the **Proposed Amendment**, may better facilitate achievement of the **Applicable CUSC Objective(s)** and the views and rationale in respect thereof;

- (h) to the extent such information is available, an assessment of the impact of the **Proposed Amendment** and any **Alternative Amendment** on **CUSC Parties** in general (or classes of **CUSC Parties** in general), including the changes which are likely to be required to their internal systems and processes and an estimate of the development, capital and operating costs to such **CUSC Parties** associated with implementing the changes to the **CUSC** and to **Core Industry Documents** together with a summary of representations in relation to such matters;

17. Amendment Report

8.20.3 A draft of the **Amendment Report** will be circulated by the **Panel Secretary** to **CUSC Parties** and **Panel Members** (and its provision in electronic form on the **NGC Website** and in electronic mails to **CUSC Parties** and **Panel Members**, who must supply relevant details, shall meet this requirement) and a period of no less than five (5) **Business Days** given for comments to be made thereon. Any unresolved comments made shall be reflected in the final **Amendment Report**.

18. Urgent Amendment Proposals

8.21.2 The matters referred to in Paragraph 8.21.1 are:

- (a) whether such proposal is so urgent that it cannot wait for the full **Amendment Procedures** to be completed and so should be treated as an **Urgent Amendment Proposal** in accordance with this Paragraph 8.21 and (b) if so, the procedure and timetable to be followed in respect of such **Urgent Amendment Proposal**.

19. Urgent Amendment Proposals

8.21.3 If:

- (a) the **Amendments Panel** agrees that such proposal is so urgent that it cannot wait for the full **Amendment Procedures** to be completed and so should be treated as an **Urgent Amendment Proposal**; or
- (...)
- (c) where the **Panel Chairman** or the **Panel Secretary** was unable to contact any other **Panel Member**, the **Panel Chairman** considers that such proposal is so urgent that it cannot wait for the full **Amendment Procedures** to be completed and so should be treated as an **Urgent Amendment Proposal**, the **Panel Chairman** or, in his absence, the **Panel Secretary** shall forthwith consult the **Authority** as to whether such **Amendment Proposal** is an **Urgent Amendment Proposal** and, if so, as to the procedure and timetable which should apply in respect thereof.

Part B - Text to give effect to Alternative Amendment (A)**Conformed Version**1. Amendment Register8.12.1 *{Leave as existing CUSC text.}*

8.12.3

- (c) The current status and progress of each **Amendment Proposal**, if appropriate the anticipated date for reporting to the **Authority** in respect thereof, and whether it has been withdrawn, rejected or implemented. ~~For a period of three (3) months after such withdrawal, rejection or implementation or such longer period as the Authority may determine;~~

2. Progress Report

8.13.1 **NGC** shall prepare and submit to the **Authority** each month ~~(or such less period if there is no material matter arising to report)~~ a progress report ("**Progress Report**") setting out the matters referred to in Paragraph 8.13.2 in respect of the preceding month and send a copy of the **Progress Report** to each **Panel Member**.

3. Progress Report8.13.3 *{Leave as existing CUSC text.}*4. Amendment Proposals8.15.3 *{Leave as existing CUSC text.}*5. Amendment Proposals8.15.4 *{Leave as existing CUSC text.}*6. Amendments Proposals

8.15.8 A **Proposer** may withdraw his **Amendment Proposal** on notice to the **Panel Secretary** at any time, in which case the **Panel Secretary** shall forthwith:

~~(e) if no notice is received under (a) or (b), or the **Amendments Panel** decides not to notify **CUSC Parties** under (b), delete the **Amendment Proposal** from the **Amendment Register** and mark it as withdrawn; and~~

~~(d)~~(c) remove the ...

7. Panel Proceedings

8.16.4

- (a) **NGC** and the **Amendments Panel** shall together establish a timetable to apply for the **Amendment Process**.

- ~~(b) The **Amendments Panel** shall establish the part of the timetable for the consideration by the **Amendments Panel** and by a **Working Group** (if any).~~
- ~~(c) **NGC** shall establish the part of the timetable for the consultation to be undertaken by **NGC** under this Section 8 and separately the preparation of an **Amendment Report** to the **Authority**.~~
- (d) *{renumber sub-paragraph}* In setting such a timetable, the **Amendments Panel** and **NGC** shall exercise their respective discretions such that, in respect of each **Amendment Proposal**, an **Amendment Report** may be submitted to the **Authority** as soon after the **Amendment Proposal** is made as is consistent with the proper evaluation of such **Amendment Proposal**, taking due account of its complexity, importance and urgency.
- (e) *{renumber sub-paragraph}* Without prejudice to Paragraph (b) above, the timetable for consideration by the **Amendment Panel** and by a **Working Group** (if any) under (b) above shall be set such that it is no longer than three months, and that the timetable for consultation to be undertaken by **NGC** under this Section 8 under (e) above shall be set such that it is no longer than two months ~~for the consultation~~ and another 14 days for the preparation of the **Amendment Report**, unless in any case the particular circumstances of the **Amendment Proposal** (taking due account of its complexity, importance and urgency) justify an extension of such timetable, and provided the **Authority** does not object, taking into account all those issues.

8. Working Groups

8.17.4 *{Leave as existing CUSC text.}*

9. Working Groups

~~8.17.6~~ **NGC** shall in consultation with the **Amendments Panel** replace the Chairman of the **Working Group** appointed pursuant to Paragraph 8.17.4 at any time if the Chairman is unwilling or unable for whatever reason to fulfil that function and/or is deliberately and persistently disrupting or frustrating the work of the **Working Group**.

~~8.17.6~~ 8.17.7 The **Amendments Panel**....

{Renumbering for rest of section, etc.}

10. Working Groups

8.17.10

- (b) If a **Working Group** is unable to reach agreement on any such matter, the report must reflect all the views of the members of the **Working Group**.

11. Working Groups8.17.11 *{Leave as existing CUSC text.}*12. Standing Groups8.18.3 *{Leave as existing CUSC text.}*13. Standing Groups

8.18.5 NGC shall in consultation with the Amendments Panel replace the Chairman of the Standing Group appointed pursuant to Paragraph 8.18.3 at any time if the Chairman is unwilling or unable for whatever reason to fulfil that function and/or is deliberately and persistently disrupting or frustrating the work of the Standing Group.

~~8.18.5~~ 8.18.6 The Amendments Panel....

{Renumbering for rest of section, etc.}

14. Standing Groups

8.18.6

(b) If a **Standing Group** is unable to reach agreement on any such matter, the report must reflect all the views of the members of the **Standing Group**.

(d) *{Leave as existing CUSC text.}*

15. Amendment Report8.20.1 *{Leave as existing CUSC text.}*16. Amendment Report

8.20.2 The matters to be included in an **Amendment Report** shall be the following (in respect of the **Amendment Proposal**):

(a) the **Proposed Amendment**;

(b) *{Leave as existing CUSC text.}*

(e) *{Leave as existing CUSC text.}*

(h) to the extent such information is available to **NGC**, an assessment of the impact of the **Proposed Amendment** and any **Alternative Amendment** on **CUSC Parties** in general (or classes of **CUSC Parties** in general), including the changes which are likely to be required to their internal systems and processes and an estimate of the development, capital and operating costs to such CUSC Parties associated with implementing the changes to the **CUSC** and to **Core Industry Documents**;

17. Amendment Report

8.20.3 *{Leave as existing CUSC text.}*

18. Urgent Amendment Proposals

8.21.2 The matters referred to in Paragraph 8.21.1 are:

(a) *{Leave as existing CUSC text.}*

19. Urgent Amendment Proposals

8.21.3 If:

(a) *{Leave as existing CUSC text.}*

(...)

(c) *{Leave as existing CUSC text.}*

Part B - Text to give effect to Alternative Amendment (A)

Clean Version

1. Amendment Register

8.12.1 *{Leave as existing CUSC text.}*

8.12.3

- (c) The current status and progress of each **Amendment Proposal**, if appropriate the anticipated date for reporting to the **Authority** in respect thereof, and whether it has been withdrawn, rejected or implemented.

2. Progress Report

8.13.1 **NGC** shall prepare and submit to the **Authority** each a progress report ("Progress Report") setting out the matters referred to in Paragraph 8.13.2 in respect of the preceding month and send a copy of the **Progress Report** to each **Panel Member**.

3. Progress Report

8.13.3 *{Leave as existing CUSC text.}*

4. Amendment Proposals

8.15.3 *{Leave as existing CUSC text.}*

5. Amendment Proposals

8.15.4 *{Leave as existing CUSC text.}*

6. Amendments Proposals

8.15.8 A **Proposer** may withdraw his **Amendment Proposal** on notice to the **Panel Secretary** at any time, in which case the **Panel Secretary** shall forthwith:

- (c) remove the

7. Panel Proceedings

8.16.4

- (a) **NGC** and the **Amendments Panel** shall together establish a timetable to apply for the **Amendment Process**.
- (b) In setting such a timetable, the **Amendments Panel** and **NGC** shall exercise their respective discretions such that, in respect of each **Amendment Proposal**, an **Amendment Report** may be submitted to the **Authority** as soon after the **Amendment Proposal** is made as is consistent with the proper evaluation of such **Amendment Proposal**, taking due account of its complexity, importance and urgency.

- (c) Without prejudice to Paragraph (b) above, the timetable for consideration by the **Amendment Panel** and by a **Working Group** (if any) shall be set such that it is no longer than three months, and the timetable for consultation to be undertaken by NGC under this section 8 shall be set such that it is no longer than two months and another 14 days for the preparation of the **Amendment Report**, unless in any case the particular circumstances of the **Amendment Proposal** (taking due account of its complexity, importance and urgency) justify an extension of such timetable, and provided the **Authority** does not object, taking into account all those issues.

8. Working Groups

8.17.4 *{Leave as existing CUSC text.}*

9. Working Groups

8.17.6 **NGC** shall in consultation with the **Amendments Panel** replace the Chairman of the **Working Group** appointed pursuant to Paragraph 8.17.4 at any time if the Chairman is unwilling or unable for whatever reason to fulfil that function and/or is deliberately and persistently disrupting or frustrating the work of the **Working Group**.

8.17.7 The **Amendments Panel**....

{Renumbering for rest of section, etc.}

10. Working Groups

8.17.10

- (b) If a **Working Group** is unable to reach agreement on any such matter, the report must reflect all the views of the members of the **Working Group**.

11. Working Groups

8.17.11 *{Leave as existing CUSC text.}*

12. Standing Groups

8.18.3 *{Leave as existing CUSC text.}*

13. Standing Groups

8.18.5 **NGC** shall in consultation with the **Amendments Panel** replace the Chairman of the **Standing Group** appointed pursuant to Paragraph 8.18.3 at any time if the Chairman is unwilling or unable for whatever reason to fulfil that function and/or is deliberately and persistently disrupting or frustrating the work of the **Standing Group**.

8.18.6 The **Amendments Panel**....

{Renumbering for rest of section, etc.}

14. Standing Groups

8.18.6

(b) If a **Standing Group** is unable to reach agreement on any such matter, the report must reflect all the views of the members of the **Standing Group**.

(d) *{Leave as existing CUSC text.}*

15. Amendment Report

8.20.1 *{Leave as existing CUSC text.}*

16. Amendment Report

8.20.2 The matters to be included in an **Amendment Report** shall be the following (in respect of the **Amendment Proposal**):

(a) the **Proposed Amendment**;

(b) *{Leave as existing CUSC text.}*

(e) *{Leave as existing CUSC text.}*

(h) to the extent such information is available to **NGC**, an assessment of the impact of the **Proposed Amendment** and any **Alternative Amendment** on **CUSC Parties** in general (or classes of **CUSC Parties** in general), including the changes which are likely to be required to their internal systems and processes and an estimate of the development, capital and operating costs to such **CUSC Parties** associated with implementing the changes to the **CUSC** and to **Core Industry Documents**;

17. Amendment Report

8.20.3 *{Leave as existing CUSC text.}*

18. Urgent Amendment Proposals

8.21.2 The matters referred to in Paragraph 8.21.1 are:

(a) *{Leave as existing CUSC text.}*

19. Urgent Amendment Proposals

8.21.3 If:

(a) *{Leave as existing CUSC text.}*

(...)

(c) *{Leave as existing CUSC text.}*

Part C - Text to give effect to Alternative Amendment (B)**Conformed Version**1. Amendment Register8.12.1 *{Leave as existing CUSC text.}*

8.12.3

- (c) The current status and progress of each **Amendment Proposal**, if appropriate the anticipated date for reporting to the **Authority** in respect thereof, and whether it has been withdrawn, rejected or implemented. ~~For a period of three (3) months after such withdrawal, rejection or implementation or such longer period as the Authority may determine;~~

2. Progress Report

8.13.2 **NGC** shall prepare and submit to the **Authority** each month ~~(or such less period if there is no material matter arising to report)~~ a progress report ("**Progress Report**") setting out the matters referred to in Paragraph 8.13.2 in respect of the preceding month and send a copy of the **Progress Report** to each **Panel Member**.

3. Progress Report8.13.3 *{Leave as existing CUSC text.}*4. Amendment Proposals8.15.3 *{Leave as existing CUSC text.}*5. Amendment Proposals8.15.5 *{Leave as existing CUSC text.}*6. Amendments Proposals

8.15.8 A **Proposer** may withdraw his **Amendment Proposal** on notice to the **Panel Secretary** at any time, in which case the **Panel Secretary** shall forthwith:

~~(e) if no notice is received under (a) or (b), or the **Amendments Panel** decides not to notify **CUSC Parties** under (b), delete the **Amendment Proposal** from the **Amendment Register** and mark it as withdrawn; and~~

~~(d)~~(c) remove the ...

7. Panel Proceedings

8.16.4

- (f) **NGC** and the **Amendments Panel** shall together establish a timetable to apply for the **Amendment Process**.

- ~~(g) The **Amendments Panel** shall establish the part of the timetable for the consideration by the **Amendments Panel** and by a **Working Group** (if any).~~
- ~~(h) **NGC** shall establish the part of the timetable for the consultation to be undertaken by **NGC** under this Section 8 and separately the preparation of an **Amendment Report** to the **Authority**.~~
- (i) *{renumber sub-paragraph}* In setting such a timetable, the **Amendments Panel** and **NGC** shall ensure ~~exercise their respective discretions such~~ that, in respect of each **Amendment Proposal**, an **Amendment Report** may be submitted to the **Authority** as soon after the **Amendment Proposal** is made as is consistent with the proper evaluation of such **Amendment Proposal**, taking due account of its complexity, importance and urgency.
- (j) *{renumber sub-paragraph}* Without prejudice to Paragraph (b) above, the timetable for consideration by the **Amendment Panel** and by a **Working Group** (if any) ~~under (b) above~~ shall be set such that it is no longer than three months, and that the timetable for consultation to be undertaken by **NGC** under this Section 8 under (e) above shall be set such that it is no longer than two months ~~for the consultation~~ and another 14 days for the preparation of the **Amendment Report**, unless in any case the particular circumstances of the **Amendment Proposal** (taking due account of its complexity, importance and urgency) justify an extension of such timetable, and provided the **Authority** does not object, taking into account all those issues.

8. Working Groups

8.17.4 *{Leave as existing CUSC text.}*

9. Working Groups

8.17.7 **NGC** shall in consultation with the **Amendments Panel** replace the Chairman of the **Working Group** appointed pursuant to Paragraph 8.17.4 at any time if the Chairman is unwilling or unable for whatever reason to fulfil that function and/or is deliberately and persistently disrupting or frustrating the work of the **Working Group**.

~~8.17.6~~ 8.17.7 The **Amendments Panel**....

{Renumbering for rest of section, etc.}

10. Working Groups

8.17.10

- (b) If a **Working Group** is unable to reach agreement on any such matter, the report must reflect all the views of the members of the **Working Group**.

11. Working Groups8.17.11 *{Leave as existing CUSC text.}*12. Standing Groups8.18.3 *{Leave as existing CUSC text.}*13. Standing Groups

8.18.6 NGC shall in consultation with the Amendments Panel replace the Chairman of the Standing Group appointed pursuant to Paragraph 8.18.3 at any time if the Chairman is unwilling or unable for whatever reason to fulfil that function and/or is deliberately and persistently disrupting or frustrating the work of the Standing Group.

~~8.18.5~~ 8.18.6 The Amendments Panel....

{Renumbering for rest of section, etc.}

14. Standing Groups

8.18.6

(b) If a **Standing Group** is unable to reach agreement on any such matter, the report must reflect all the views of the members of the **Standing Group**.

(d) *{Leave as existing CUSC text.}*

15. Amendment Report8.20.2 *{Leave as existing CUSC text.}*16. Amendment Report

8.20.2 The matters to be included in an **Amendment Report** shall be the following (in respect of the **Amendment Proposal**):

(a) the **Proposed Amendment**;

(b) *{Leave as existing CUSC text.}*

(e) *{Leave as existing CUSC text.}*

(h) to the extent such information is available to **NGC**, an assessment of the impact of the **Proposed Amendment** and any **Alternative Amendment** on **CUSC Parties** in general (or classes of **CUSC Parties** in general), including the changes which are likely to be required to their internal systems and processes and an estimate of the development, capital and operating costs to such CUSC Parties associated with implementing the changes to the **CUSC** and to **Core Industry Documents**;

17. Amendment Report

8.20.3 *{Leave as existing CUSC text.}*

18. Urgent Amendment Proposals

8.21.2 The matters referred to in Paragraph 8.21.1 are:

(a) *{Leave as existing CUSC text.}*

19. Urgent Amendment Proposals

8.21.3 If:

(a) *{Leave as existing CUSC text.}*

(...)

(c) *{Leave as existing CUSC text.}*

Part C - Text to give effect to Alternative Amendment (B)

Clean Version

1. Amendment Register

8.12.1 *{Leave as existing CUSC text.}*

8.12.3

- (c) The current status and progress of each **Amendment Proposal**, if appropriate the anticipated date for reporting to the **Authority** in respect thereof, and whether it has been withdrawn, rejected or implemented.

2. Progress Report

8.13.1 **NGC** shall prepare and submit to the **Authority** each a progress report ("Progress Report") setting out the matters referred to in Paragraph 8.13.2 in respect of the preceding month and send a copy of the **Progress Report** to each **Panel Member**.

3. Progress Report

8.13.3 *{Leave as existing CUSC text.}*

4. Amendment Proposals

8.15.3 *{Leave as existing CUSC text.}*

5. Amendment Proposals

8.15.4 *{Leave as existing CUSC text.}*

6. Amendments Proposals

8.15.8 A **Proposer** may withdraw his **Amendment Proposal** on notice to the **Panel Secretary** at any time, in which case the **Panel Secretary** shall forthwith:

- (c) remove the

7. Panel Proceedings

8.16.4

- (a) **NGC** and the **Amendments Panel** shall together establish a timetable to apply for the **Amendment Process**.
- (b) In setting such a timetable, the **Amendments Panel** and **NGC** shall ensure that, in respect of each **Amendment Proposal**, an **Amendment Report** may be submitted to the **Authority** as soon after the **Amendment Proposal** is made as is consistent with the proper evaluation of such **Amendment Proposal**, taking due account of its complexity, importance and urgency.

- (c) Without prejudice to Paragraph (b) above, the timetable for consideration by the **Amendment Panel** and by a **Working Group** (if any) shall be set such that it is no longer than three months, and the timetable for consultation to be undertaken by NGC under this section 8 shall be set such that it is no longer than two months and another 14 days for the preparation of the **Amendment Report**, unless in any case the particular circumstances of the **Amendment Proposal** (taking due account of its complexity, importance and urgency) justify an extension of such timetable, and provided the **Authority** does not object, taking into account all those issues.

8. Working Groups

8.17.4 *{Leave as existing CUSC text.}*

9. Working Groups

8.17.6 **NGC** shall in consultation with the **Amendments Panel** replace the Chairman of the **Working Group** appointed pursuant to Paragraph 8.17.4 at any time if the Chairman is unwilling or unable for whatever reason to fulfil that function and/or is deliberately and persistently disrupting or frustrating the work of the **Working Group**.

8.17.7 The **Amendments Panel**....

{Renumbering for rest of section, etc.}

10. Working Groups

8.17.10

- (b) If a **Working Group** is unable to reach agreement on any such matter, the report must reflect all the views of the members of the **Working Group**.

11. Working Groups

8.17.11 *{Leave as existing CUSC text.}*

12. Standing Groups

8.18.3 *{Leave as existing CUSC text.}*

13. Standing Groups

8.18.5 **NGC** shall in consultation with the **Amendments Panel** replace the Chairman of the **Standing Group** appointed pursuant to Paragraph 8.18.3 at any time if the Chairman is unwilling or unable for whatever reason to fulfil that function and/or is deliberately and persistently disrupting or frustrating the work of the **Standing Group**.

8.18.6 The **Amendments Panel**....

{Renumbering for rest of section, etc.}

14. Standing Groups

8.18.6

- (b) If a **Standing Group** is unable to reach agreement on any such matter, the report must reflect all the views of the members of the **Standing Group**.
- (d) *{Leave as existing CUSC text.}*

15. Amendment Report8.20.1 *{Leave as existing CUSC text.}*16. Amendment Report8.20.2 The matters to be included in an **Amendment Report** shall be the following (in respect of the **Amendment Proposal**):

- (a) the **Proposed Amendment**;
- (b) *{Leave as existing CUSC text.}*
- (e) *{Leave as existing CUSC text.}*
- (h) to the extent such information is available to **NGC**, an assessment of the impact of the **Proposed Amendment** and any **Alternative Amendment** on **CUSC Parties** in general (or classes of **CUSC Parties** in general), including the changes which are likely to be required to their internal systems and processes and an estimate of the development, capital and operating costs to such **CUSC Parties** associated with implementing the changes to the **CUSC** and to **Core Industry Documents**;

17. Amendment Report8.20.3 *{Leave as existing CUSC text.}*18. Urgent Amendment Proposals

8.21.2 The matters referred to in Paragraph 8.21.1 are:

- (a) *{Leave as existing CUSC text.}*

19. Urgent Amendment Proposals

8.21.3 If:

- (a) *{Leave as existing CUSC text.}*
- (...)
- (c) *{Leave as existing CUSC text.}*

Annex 3 – Copies of Representations Received

This Annex includes copies of any representations received following circulation of the Consultation Document (circulated on 28th February 2002, requesting comments by close of business on 28th March 2002).

Representations were received from the following parties:

No.	Company	File Number
1	TXU Europe Energy Trading Ltd	CAP005-CR-01
2	British Energy	CAP005-CR-02
3	Powergen UK plc	CAP005-CR-03
4	EdF Trading Ltd & EdF (Generation)	CAP005-CR-04
5	British Gas Trading Ltd	CAP005-CR-05
6	ScottishPower Energy Retail Limited and Scottish Power Generation Limited	CAP005-CR-06
7	London Electricity Group	CAP005-CR-07

Reference	CAP005-CR-01
Company	TXU Europe Energy Trading Ltd

Emma Groves
National Grid Company plc
Kirby Corner Road
Coventry
CV4 8JY

TXU Europe Energy Trading Ltd
Wherstead Park
Wherstead
Ipswich
Suffolk
IP9 2AQ

6th March 2002

CAP005 Consultation Response

Dear Emma

We confirm that we support the Alternative Amendment proposal as drafted by the Working Group. We also support the Working Group's recommendation that NGC should take forward the issue of clarifying the definitions of Alternative Amendment and Urgent Amendment in due course.

Yours sincerely

Philip Russell
Market Development Manager
For and on behalf of the 20 TXU CUSC Parties

Reference	CAP005-CR-02
Company	British Energy



21st March 2002

Emma Groves
Commercial Development
The National Grid Company plc
Kirby Corner Road
COVENTRY
CV4 8JY

Dear

CUSC Consultation Document CAP005: CUSC Panel's Role & Report Process

Thank you for the opportunity to comment on the above consultation document. We would advise that we fully SUPPORT the early approval and implementation of either the Amendment Proposal or the Alternative Amendment as defined in the consultation document.

British Energy (BE), with support from a number of other CUSC Parties, developed and submitted this Amendment Proposal (AP) for consideration by the CUSC Amendment Panel (CAP) and subsequently participated in the Governance Amendment Working Group (GAWG) discussions to debate this CUSC Panel's Role & Report Process amendment proposal.

As the Proposer of the AP, this wider industry consultation some four months after the AP was submitted also provides an opportunity to reflect on the original AP submitted with the benefit of the experience of the GAWG discussions. We note that the GAWG unanimously supports the Alternative Amendment, and that National Grid's view is that the Alternative Amendment 'better facilitates achievement of the Applicable CUSC Objectives as compared with the existing CUSC'.

The original AP as submitted consisted of a number of general governance-related strands pertinent to the CUSC section 8 which, with hindsight, may have been better presented by splitting them out into a number of discrete amendment proposals. Given the diverse content of the AP together with the views of the other GAWG members, a pragmatic way forward was to support the development of an Alternative Amendment, which inevitably meant acceding a substantial number of the proposed changes. Indeed the Alternative Amendment now tabled consists exclusively of proposals to improve the 'process' and 'reporting' of amendments, the 'Panel's Role' change motions having been 'lost'. It would be useful for this distinction to be highlighted, with the original full title of the CAP reinstated.

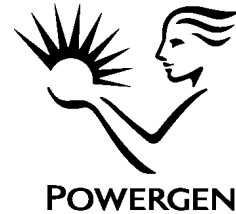
There is considerable merit in the Alternative AP drafted by the GAWG which retains the spirit of a substantial part of original AP. We note too National Grid's support in section 7.1 of the consultation document for the Alternative AP and therefore we are also happy to endorse our support for the Alternative AP as a meaningful, rational and pragmatic compromise to the original AP.

If you have any queries in relation to any of the above, please do not hesitate to contact me.

Yours faithfully,

Steve Phillips
Senior Trading Consultant
Market Development
Power & Energy Trading

Reference	CAP005-CR-03
Company	Powergen UK plc

26th March 2002

Dear David,

Powergen Comments on CUSC Amendment Proposal CUSC Panel's Role - CAP005

Powergen UK plc ('Powergen') welcomes the opportunity to comment on the above consultation document published on 28th February 2002. Powergen provides this response on behalf of itself and the following Parties: Powergen Energy plc, Diamond Power Generation Limited and Cottam Development Centre Limited.

The proposal is for a number of changes to Section 8 of the CUSC to enhance the role of the Panel in the amendment process. Its general aim is to increase transparency, to align with the BSC, and to provide checks and balances in relation to the actions of the National Grid and the Authority in the Amendment Process.

Although the working group did not arrive at a clear consensus, and felt that this proposal contained a number of disparate strands, Powergen supports the implementation of the alternative proposal as we believe it better facilitates CUSC objectives.

If you have any questions please let me know.

Yours Sincerely,

Jane Butterfield

Strategy & Regulation Department
Energy Trading
Powergen
024 7642 4414

Reference	CAP005-CR-04
Company	EdF Trading Ltd & EdF (Generation)

From: Steve Drummond [Steve.Drummond@btopenworld.com]
Sent: 26 March 2002 17:12
To: Groves, Emma
Cc: nick.taylor@edftrading.com; saeed.patel@edftrading.com; Philippe Gaillet
Subject: CAP005 CUSC Panel's Role – Consultation

On behalf of EdF Trading Ltd and EdF (Generation) please find herewith my comments on the CUSC Amendment Proposal 005 on the proposed changes to the role of the CUSC Panel.

On balance and bearing in mind the comments made in the report, the original CAP005 is not supported. The proposed Alternative Amendment however does in my view improve the governance arrangements and better meets the CUSC objectives; hence I support the revised drafting as given in the Alternative Amendment.

Regards

Steve Drummond
Adviser to EdF Energy Merchants Ltd

Reference	CAP005-CR-05
Company	British Gas Trading Ltd

word/cusc



energy management group

National Grid Company plc
National Grid House
Kirby Corner Road
Coventry
CV4 8JY

Charter Court
50 Windsor Road
Slough
Berkshire
SL1 2HA

For the Attention of Ms E Groves
- Commercial Development

Tel. (01753) 758051
Fax (01753) 758170
Our Ref. Cap005
Your Ref.
28th March 2002

Dear Emma,

**Re: CUSC Amendment CAP005 – CUSC Panel’s Role
Consultation Document**

Thank you for the opportunity to comment on the Consultation Document in respect of the above Amendment Proposal. British Gas Trading Limited (BGT) has been involved in the Workgroup discussions surrounding the proposal.

BGT do not support the original Amendment Proposal, but do support the Alternative. The original proposal raised amendments in a number of different areas, and whilst we recognise that they are worthy of debate, there are lessons to be learnt for the future regarding aggregation of issues.

We also note that there are two areas (namely Urgent Amendments and Alternative Proposals) that need some urgent review. We understood that NGC was carrying out work on both of these and whilst CAP017 has been raised and withdrawn, we have yet to see anything on the Urgent Amendments. We would encourage debate on both of these areas to be brought forward as soon as possible.

Should you have any queries regarding this response, please do not hesitate to contact me.

Yours sincerely,

Simon Goldring
Transportation Manager

Reference	CAP005-CR-06
Company	ScottishPower Energy Retail Limited & Scottish Power Generation Limited

CUSC Amendment Consultation

To: Emma Groves
Commercial Development
National Grid Company plc
National Grid House
Kirby Corner Road
Coventry CV4 8JY

28th March 2002

CAP005: CUSC Panel's Role

Dear Emma,

Many thanks for the opportunity to consider the consultation document in respect of CUSC Amendment proposal CAP005. This response is provided on behalf of ScottishPower Energy Retail Limited and Scottish Power Generation Limited.

We agree with the CAP005 Working Group that the Original Amendment does not meet the applicable CUSC Objectives. It is too wide-ranging in its scope and, although it touches on some areas where the role of the CUSC Panel could be improved, there are many elements which do not add effectiveness to the CUSC governance process. There may also be elements of conflict with the Transmission Licence in terms of managing the amendment process which cannot be resolved through CAP005.

The Original Amendment might have succeeded if it had adopted a more targeted approach in seeking to address concerns about CUSC governance. Any ongoing issues relating to governance would be better addressed through a Governance Standing Group and we would support its formation. There is concern, for instance, that the role of the CUSC Panel is marginal when consultation papers and Amendment Reports come to be written. This is one issue which a Governance Standing Group might wish to address.

The Alternative Amendment does seek to deal with some of the issues raised by the Original Amendment and tightens the legal drafting to reflect this. We would support the changes proposed by the Alternative Amendment as more appropriate and meeting the applicable CUSC Objective of efficient discharge by NGC of its statutory and licence obligations. However, the following legal drafting points need to be addressed:

8.12.3 – the change is to 8.12.3(c) and not 8.12.3(a);

8.15.8 – it seems logical to retain the words “if no notice is received under (a) or (b)” at the beginning of the new paragraph 8.15.8(c) as this ensures that an amendment proposal is only removed from the Panel once no CUSC Party is willing to revive it;

8.16.4 – in new paragraph 8.16.4(b), the words “exercise their respective discretions such” should be deleted and replaced with “ensure”. The logical conclusion from

8.16.4(a) and the deletion of old paragraphs 8.16.4(b) and (c) is that NGC and the Panel no longer have separate discretions in establishing a timetable;

8.17.10(b) - to be renumbered as 8.17.11(b);

8.18.6(b) – to be renumbered as 8.18.7(b);

8.20.2(h) – this is the existing CUSC text.

If you wish to discuss the content of this response, please do not hesitate to contact me.

Yours sincerely,

Abid Sheikh
Commercial Analyst (0141 568 3113)

Reference	CAP005-CR-07
Company	London Electricity Group

From: Cecil Dick [Dick.Cecil@le-group.co.uk]
Sent: 28 March 2002 16:41
To: Groves, Emma
Subject: CAP005 Consultation Response - CUSC Panel's Role

Consultation Response -CAP005 CUSC Panel's Role

This response from London Electricity Group is on behalf of all the groups CUSC Parties.

We support the CAP005 (original form). We consider the whilst the form of CAP005 Alternative meets better the CUSC Objectives, it does not improve them as much as the original amendment.

Improvement process

CUSC is a major new document and it is not surprise that we are finding governance amendments proposed that improve the text and the texture of the code. Both the amendment and the alternative do this, the main difference being the question of degree in texture. We have already learnt is that amendments should where possible be specific to one subject. This amendment was submitted prior to that learning experience and we acknowledge that this makes its consideration more difficult. However, the action of the working group to separate the issues has helped to clarify the scope of the amendment.

Why we prefer the Amendment to the Alternative

We agree with the philosophy of the amendment to provide appropriate checks and balances in relation to the actions of National Grid and the Authority within the amendment process. Most of this contained in the Amendment is diluted or lost in the Alternative.

We prefer to see references to 'National Grid' changed respectively to 'Panel Secretary' and 'Amendments Panel'. A more independent text with the Panel having a greater role in the Amendment Process will better meet the CUSC Objectives.

In respect of the consideration of whether CUSC can place an obligation on the Authority, clearly it cannot. But it will greatly facilitate the CUSC Objectives and in particular the process of amendment, if we can see the Reasons of the Authority in respect of 8.13.3 and 8.16.4(e). We therefore interpret the amendment wording here as a request and not an instruction.

Within Working Groups CUSC only permits the Chairman or another member nominated by the Chairman to present the findings at the next Amendments Panel meeting. This current draft is too tight as the Chairman may not be able to carry out either action. The revised wording to clause 8.17.11 is therefore an essential improvement.

Dick Cecil
London Electricity Group

Annex 4 - Copies of Comments received on the Draft Amendment Report

This Annex includes copies of unresolved comments made on the Draft Amendment Report (circulated on 3rd April 2002, requesting comments by close of business on 10th April 2002).

Representations were received from the following parties:

No.	Company	File Number
1	ScottishPower Energy Retail Limited & Scottish Power Generation Limited	CAP005-AR-01
2	London Electricity Group	CAP005-AR-02
3	British Energy	CAP005-AR-03

The following representations were received in response to the circulation of a second draft of the Amendment Report.

No.	Company	File Number
4	ScottishPower Energy Retail Limited & Scottish Power Generation Limited	CAP005-AR-04

Reference	CAP005-AR-01
Company	ScottishPower Energy Retail Limited & Scottish Power Generation Limited

CUSC Amendment Report Consultation

To: Emma Groves
Commercial Development
National Grid Company plc
National Grid House
Kirby Corner Road
Coventry CV4 8JY

10th April 2002

CAP005: CUSC Panel's Role

Dear Emma,

Many thanks for this further opportunity to consider CUSC Amendment proposal CAP005. This response is provided on behalf of ScottishPower Energy Retail Limited and Scottish Power Generation Limited.

We note that the majority of respondents to the original consultation were supportive, as we were, of the Alternative Amendment. We would like to use this opportunity to reiterate our view that the Alternative Amendment is more appropriate in meeting the applicable CUSC Objective of efficient discharge by NGC of its statutory and licence obligations.

We raised a number of legal drafting points as part of our previous response. We note the comments of NGC in respect of our proposed changes in paragraph 10.13 of the Amendment Report (which appears to be incomplete).

In particular, we are disappointed that NGC does not consider it necessary to make our suggested change to 8.16.4 of the CUSC (see below) having stated that the change is appropriate. We feel it would be better to use this opportunity to undertake the change in order to provide logical consistency in the wording of this paragraph. It would avoid the need to undertake a future housekeeping change in order to provide that logical consistency.

8.16.4 – in new paragraph 8.16.4(b), the words “exercise their respective discretions such” should be deleted and replaced with “ensure”. The logical conclusion from 8.16.4(a) and the deletion of old paragraphs 8.16.4(b) and (c) is that NGC and the Panel no longer have separate discretions in establishing a timetable

I hope that you find these further comments helpful. If you wish to discuss the content of this response, please do not hesitate to contact me.

Yours sincerely,

Abid Sheikh
Commercial Analyst (0141 568 3113)

Reference	CAP005-AR-02
Company	London Electricity Group

From: Cecil Dick [Dick.Cecil@le-group.co.uk]
Sent: 10 April 2002 11:36
To: Groves, Emma
Subject: comment on draft amendment report CAP005

Emma

Please note the second paragraph of my response. "We support the CAP005 (original form). We consider the whilst the form of CAP005 Alternative meets better the CUSC Objectives, it does not improve them as much as the original amendment."

I don't think this is reflected in the summary table within 10.4. Please revise to "Prefers the proposed Amendment as the Alternative Amendment loses some benefits. Supports Alternative Amendment if Proposed Amendment is lost".

Regards
Dick Cecil

Reference	CAP005-AR-03
Company	British Energy

From: Phillips Steve
Sent: 10 April 2002 12:12
To: 'CUSC Team'
Subject: RE: CUSC - CAP005 & CAP006 Draft Amendment Reports
Importance: High

Excluding typo errors, which I assume will be sorted by basic spell-checking etc, I have the following minor comments for incorporation:

CAP005:

1. Our response indicates that the FULL, original title, as provided in the original Amendment Proposal attachment title page as "Panel's Role & Report Process" should be reinstated to ensure that the AP is not misrepresented, particularly as the Alternative Amendment deals virtually exclusively with this aspect of the AP.
2. The table in section 10.4 incorrectly identifies BE as NOT supporting the original AP. Please correct as per our letter (we support BOTH!)

CAP006:

1. The table in section 10.4 here too incorrectly identifies BE as NOT supporting the original AP. Please correct as per our letter (we support BOTH!)

Regards
Steve

Reference	CAP005-AR-04
Company	ScottishPower Energy Retail Limited & Scottish Power Generation Limited

CUSC Amendment Report Consultation

To: Emma Groves
Commercial Development
National Grid Company plc
National Grid House
Kirby Corner Road
Coventry CV4 8JY

8th May 2002

CAP005: CUSC Panel's Role

Dear Emma,

Many thanks for this further opportunity to consider CUSC Amendment proposal CAP005. This response is provided on behalf of ScottishPower Energy Retail Limited and Scottish Power Generation Limited.

We would wish to indicate our support for Alternative Amendment (B) which includes the amended legal drafting for 8.16.4 of the CUSC which we suggested in our previous response.

If you wish to discuss the content of this response, please do not hesitate to contact me.

Yours sincerely,

Abid Sheikh
Commercial Analyst (0141 568 3113)