

ET SECTOR	
REFERENCE NUMBER:	CATEGORY: Amendment
LICENCE CONDITION NUMBER: <i>(if relevant):</i>	SpC 9.16
TITLE:	Prohibited Activities and Conduct of the Transmission Business
RELEVANT LICENCE CONSULTATION QUESTIONS <i>(if any):</i>	
RELEVANT ISSUES LOG:	
POLICY ISSUES	
DRAFTING ISSUES	
<ul style="list-style-type: none"> 9.16.2 9.16.3 9.16.5(b) 	<ul style="list-style-type: none"> The licence applies to and can only impose obligations on the licensee and not its subsidiaries. The licence is not therefore able to directly regulate the activities of the licensee's subsidiaries. We therefore suggest that 9.16.2 is drafted as per the current Special Condition 2C(1) which requires the licensee to procure that its subsidiaries do not hold an ESO or OFTO licence as follows: "the licensee must not and shall procure that any subsidiary of the licensee must not hold....." We would question whether the term Unfair Commercial Advantage needs to be a defined term as is being proposed. It is not currently defined but non-exhaustive examples of what are captured by this term are provided within the condition. "national electricity" should be capitalised as part of the defined term NETS.
FINANCE ISSUES	
SUPPORTING INFORMATION	
OFGEM ENGAGEMENT:	