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Dear Ofgem

Response to Consultation - Supplemental Ofgem Guidance on the determination of disputes: Gate 2 to Whole Queue

1. We advise clients on various aspects of the development of clean power projects, including those subject to the Gate 2 to Whole Queue ("G2tWQ") exercise being undertaken as part of the TMO4+ reforms.
2. Having considered the draft Supplemental Ofgem Guidance on the determination of disputes: Gate 2 to Whole Queue (the "**Guidance**"), in the time available, we respond to make an overarching point on the general approach proposed by Ofgem for its role in relation to G2tWQ disputes. Whilst there are a number of further comments which we consider could be made in relation to the draft Guidance we have chosen to limit our response as below.
3. It is clear from the draft Guidance that Ofgem recognises that very swift resolution of G2tWQ disputes and misunderstandings will be critical for parties to maintain their position in the connection queue, bearing in mind the potential consequential impact on the commercial viability of projects. Without such mechanisms, there must be a risk that valuable projects which are strategically aligned with the UK's energy reform goals and the Clean Power 2030 Action Plan, are wrongly removed from the connection queue due to (for example) improper application of the Gate 2 Criteria.
4. Similar timing challenges also arise in connection with the Capacity Market and Contracts for Difference schemes. However, in those schemes, specific expedited Tier 1 and Tier 2 dispute processes have been developed, to allow swift appeal mechanisms to be deployed without prejudice to the applicant's progress in those schemes.
5. We consider that such an approach, where Ofgem has a specific role in swiftly determining appeals on G2tWQ disputes in a pre-defined timeframe (whilst the underlying projects retain their position in the connections queue), could be of significant value to participants in the G2tWQ process, in ensuring there is a fast track opportunity for G2tWQ decisions to be reviewed by Ofgem.

We thank Ofgem in advance for its consideration of this Response to Consultation. Should you wish to discuss any aspect of this Response, please do not hesitate to contact us.

Yours faithfully



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