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Dear Jack,

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

We welcome the opportunity to reflect and input on Ofgem's Supplemental Guidance relating to the one-off Gate 2 to Whole Queue (G2tWQ) process. This response is on behalf of SSE's Energy Businesses.

We recognise the existential risk to the G2tWQ process from disputes being raised, including with the Authority. The uncertainty this creates whilst such disputes are assessed, followed by any subsequent action necessary to 'put things right', is, for the majority of stakeholders, unhelpful.

As such, NESO's focus must be on getting the G2tWQ process right first time. In the event issues do arise, we agree the most efficient route to resolve these is for parties to engage with NESO directly, particularly given NESO's wider role and increased responsibilities in relation to connection offers.

However, it is important that we reserve our right to raise disputes with the Authority, and that Ofgem's Supplemental Guidance does not prevent a fair and robust process.

Fundamentally, it is in the interests of all stakeholders that the processes relating to the G2tWQ exercise are fair, legally robust and clear. In this regard, Ofgem's Supplemental Guidance raises a number of questions.

- It is not clear what remedial action parties can expect to achieve in response to any concerns or issues successfully raised in response to the G2tWQ process, be that via NESO engagement, the process set out under the CUSC, or through the Authority.

We understand this is complex, but we believe parties that successfully challenge should be assured a place in the queue. Importantly, this must not be to the detriment of others that have already received a Gate 2 offer. Therefore, once a place in the queue has been given, it should be made clear that this cannot be taken away in the event of any appeals.

- Whilst outside the scope of this consultation *per se*, the process and timescales parties can expect NESO to follow in responding to G2tWQ issues is not clear. Project developers are naturally nervous about the robustness of the G2tWQ process following the difficult start to the Application Window. Therefore, we believe greater clarity on NESO's process to address any questions or issues following the queue reformation exercise would benefit the process as a whole.
- Further to the point above, we understand parties are currently expected to explore other means of resolving disputes before raising with the Authority. However, Ofgem's Supplemental Guidance, as drafted, goes further and requires parties to evidence that they have exhausted the Alternative Dispute Resolution (ADR) routes before they can raise a determination. There is a perceived risk that project developers might never be able to successfully evidence this. Again, we question whether there is enough clarity around these other ADR routes to ensure a clear and robust process.

We hope this succinct feedback is helpful. Should you wish to discuss any aspect of this, please do not hesitate to get in contact.

Yours sincerely,

Gill Hilton
Group Regulation