

SSEN Transmission

Grampian House
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Dear Connections Team,

SSEN Transmission Response to Consultation – Supplemental Guidance on the determination of disputes: Gate 2 to Whole Queue.

Please find enclosed a response to Ofgem’s consultation on supplementary guidance on determination of disputes for Gate 2 to Whole Queue SSEN Transmission (“SSENT”), part of the SSE Group, is responsible for the electricity transmission network in the north of Scotland.

We welcome the opportunity to comment on the supplemental guidance, and we would be happy to provide further information if required

Q1. Does the G2tWQ Determinations Guidance in Appendix 1 clearly set out the Authority’s determination processes for disputes arising from the Gate 2 to Whole Queue exercise and its expectations of disputing parties?

We broadly support the guidance and agree a determinations process is required.

While the consultation document clarifies that it is unlikely that the Authority will be able to direct re-insertion into the connection queue ahead of the next evidence window due to the timescale for reaching a determination. The guidance leaves the option open that re-insertion in the queue can be the outcome of a decision.

While we recognise the guidance is not the place to set this out, the practical implications of a direction of re-insertion in the queue must be considered for this to be included as a potential outcome in the guidance. Ofgem and NESO must be clear on how this will be managed including the procedure to operationally manage commercial, legal/regulatory and network planning implications arising from the determination decision and how these will be managed.

Q2. Is there any additional clarity that you think is needed on the determination's procedures in the G2tWQ Determinations Guidance?

The timescales for the determinations process are undefined in the guidance. It would be entirely reasonable for there to be indicative timescales for determination of disputes by the Authority, which could be extended if required depending on the complexity of the case.

The G2tWQ Determinations Guidance opens with noting that NESO, as the independent electricity system operator, with the support of DNOs **and Transmission Owners (TOs)**, are operationally responsible for the processing of connection applications and related decisions. However, it then goes on to note (at Section 2) that it only focuses on disputes between customers and electricity distribution companies or the NESO.

Whilst we appreciate that electricity distribution companies and the NESO hold the direct contractual relationship with customers, there is the potential for disputes to arise between the TOs and customers also by virtue of the indirect contractual relationship. In light of this, we would expect the G2tWQ Determinations Guidance to apply to any disputes involving TOs also. In particular, the requirement for customers to evidence that the TMO4+ process has not been correctly followed before a determination will be considered by the Authority. This aligns with the 2017 Guidance which includes disputes for the use of system or connection to the National Electricity Transmission System.

Ofgem has indicated in its consultation document (Section 2, pg 5) that the supplemental determination guidance ('the G2tWQ Determinations Guidance') is specifically for disputes arising from the G2tWQ exercise, outlining Ofgem's approach and procedures for managing disputes related to this process. If the guidance is applicable solely to the G2tWQ exercise Ofgem should confirm when it will cease to have effect upon the conclusion of this exercise.

I hope this feedback is helpful, we'd be happy to discuss if you have any questions.

Yours sincerely,

Rebecca Middlemiss
Regulation Manager

