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By email to connections@ofgem.gov.uk

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Electricity Connections Team,

SSEN Distribution Response: Supplemental Ofgem Guidance on the determination of disputes: G2tWQ

I am writing to you in response to the consultation on your [Approach to disputes and determinations from the Gate 2 to Whole Queue exercise](#). We, at SSEN Distribution, welcome the opportunity to outline our response to this consultation. This response is being submitted on behalf of Scottish Hydro Electrical Power Distribution plc (SHEPD) and Southern Electric Power Distribution plc (SEPD), being together SSEN Distribution.

SSEN Distribution is the electricity Distribution Network Operator (DNO) responsible for delivering power to over 3.9 million households and business across the north of Scotland and central southern England. We service some of the most diverse and unique geographies across Great Britain, keeping customers and communities connected as we develop our networks to facilitate a low carbon economy and unlock economic growth.

Throughout the process of reforming the connections process at the transmission level, SSEN Distribution has played a key role in ensuring that our customers are able to traverse the changing landscape of connections. We support Ofgem's Dispute Resolution Guidance. Given the contractual arrangements and customer impact, it is key for DNOs, TOs and the NESO to get this process first-time-right. However, the process will mean that some customers may not see their projects proceed under the reformed queue, and this may give rise to disputes.

Given the diverse range of customers we serve, including generation and large demand projects, we have invested resources so that our customers receive the level of support they require. This includes dedicated teams to support customers through any complaints they may have through the queue reformation exercise. As a DNO, our role in the connections reform process has been to apply readiness criteria to our small and medium embedded customers in the contracted queue. We submitted the outcome of this process to NESO in August and await NESOs view of strategic alignment to understand if our customers have met the Gate 2 criteria. Consequently, we are able to manage queries and disputes which relate to readiness assessment but are likely to need support from NESO on any query or dispute which relates to queue formation and strategic alignment.

We support the position which Ofgem is proposing in terms of not accepting a request for determination if a party can produce evidence that NESO and/or the DNO has not correctly followed the TMO4+ process as set out in CUSC, licence conditions and associated methodologies. It would be counter-productive for DNOs or NESO to

have Ofgem running determination requests which have emerged from complying with our licence and code obligations.

Further, we would highlight that the methodologies for connection reform were agreed in December 2024 and developed over the second half of 2024. It is being applied retrospectively to customers in the contracted queue. Some of these customers have been in the queue for several years, while they await Transmission reinforcement or seek to move their project forward. This presents the prospect that customers will dispute the outcome of the TMO4+ process based on actions NESO, TO and DNOs made well before December 2024, which customers could argue impacted their queue position and therefore the outcome of the TM04+ process. Our view is that NESO, TOs and DNOs can't be held accountable for actions a number of years ago which only now, in light of TM04+, have an impact on customers. We would therefore welcome Ofgem making it clear that they do not expect to look at historic issues, not raised at the time, but which customers now argue impact the outcome of TM04+.

However, we are aware that there is no obvious remedy for customers who don't meet Gate 2 criteria. This includes where there have been errors in readiness assessment or queue formation which have incorrectly assessed. We urge NESO to set out a remedy for where obvious errors have occurred in the application of the TMO4+ methodology. This would provide a clear pathway for customers to have legitimate concerns addressed. At present, this does not exist and runs the risk that NESO, TOs, DNOs spend time going through a lengthy dispute process which ultimately arrives at Ofgem. NESO are the only party who can establish this remedy process as ultimately under the TMO4+ methodologies, they govern the queue formation process. As a DNO we can't take a decision to reinsert a customer into the queue, particularly if (due to strategic alignment caps) that causes a separate customer to be forced out of the queue. A clear position from Ofgem on this would drive customer behaviour and allow resources to be targeted more efficiently towards complaints capable of remediation.

Our response to your specific questions on the consultations is set out in Appendix 1 below. If you have any further questions relating to this information, please do not hesitate to contact me.

Yours sincerely,

Rohan Sachdev

Regulation Manager
SSEN Distribution

Appendix 1: Consultation Question Responses

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?

Broadly, we are supportive of the G2tWQ Determinations Guidance set out in Appendix 1. This sets out clear expectations on the types of disputes that will be considered by Ofgem in accepting a determination request.

The process defined by Ofgem in this guidance sets out that the applicant must attempt to resolve the dispute through all available Alternative Dispute Resolution (ADR) routes with either the DNO or NESO, and on failure to resolve, they may approach Ofgem for a determination once a deadlock letter has been issued. This is broadly in line with the existing process for dispute resolution. However, the guidance does not list exhaustively the specific ADR mechanisms that they must go through before being able to raise the dispute with Ofgem. It is notable that all ADR mechanisms may not be appropriate for each customer. Having clarity on these mechanisms would allow DNOs better visibility on the process and next steps, before issuing a deadlock letter. It would also drive efficiency of legal spend across the DNOs.

Per section 2.4, where an applicant raises an issue with the DNO, but has been impacted by a NESO decision, DNOs will raise queries on the customer's behalf with the NESO. Where the DNO cannot resolve the issue between NESO and the applicant, it should be clear that the applicant must take up the issue with NESO directly through their ADR mechanisms, and the DNO will not raise the dispute with NESO on their behalf. Given that most of the decision making on the G2tWQ process will be made by NESO, it is right that any determinations arising from NESO decisions is taken up through their Dispute Resolution Processes. This approach will ensure efficient use of resources and reduce delays in responding to customers.

Disputes concerning actions taken by the DNO or NESO before connections reform should not follow this specific G2tWQ process, as neither customers nor DNOs could have anticipated how those decisions might affect subsequent eligibility for the reformed queue.

We concur with Ofgem's conclusion that a determination - whether or not it favours the customer - will not result in financial compensation or reinstatement into the connections queue. Likewise, even when a dispute is raised through ADR prior to a formal determination, re-entering the queue may generally not be possible, as it could impact other projects already holding a Gate 2 Offer.

We recognise that decisions from the ADR and the determinations process may cause dissatisfaction among customers. Ofgem may wish to consider potential mechanisms that would allow such projects to re-enter the queue at a subsequent connection window and set out a process with NESO to facilitate this.

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

When considering ADR mechanisms, it's essential to understand that not every route will be suitable for every situation. Instead, customers should be directed towards the most appropriate ADR route(s) for their case by the DNO/ NESO. If an appeal is unsuccessful, they can then consider other options, such as mediation or arbitration. It should also be emphasised that the Energy Ombudsman only handles cases within their designated scope, and issues related to connection reform fall outside of this remit.

If none of the above ADR routes yields a result acceptable to the customer, a deadlock letter will be issued. Since we cannot retroactively enter customers into the contracted connections queue, outcomes from these ADR processes may not always satisfy customer expectations.

It would be helpful for Ofgem to make clear any directions that they could issue to NESO and/or the DNO to take on making a determination. This clarity would help set realistic expectations among both customers and contractual parties, enabling timely responses and ensuring customer satisfaction.

Additionally, it would be advantageous for Ofgem to specify anticipated timelines for making determinations, which would further support effective management of customer expectations.