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To: Connections
Subject: Consultation Response - Guidance on G2TWQ

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Hi,

Please see response below to your consultation on the determination of disputes relating to the G2TWQ exercise, completed on behalf of ScottishPower Renewables. This response can be treated as non-confidential. Please don't hesitate to get in contact to discuss any of the points raised.

- 1. Does the G2TWQ Determinations Guidance in Appendix 1 clearly set out the Authority's Determination Process for disputes arising from the Gate 2 to Whole Queue exercise and its expectations of disputing parties.**

The guidance is generally clear on the process for disputes and the expectations of disputing parties. However, see response to question 2 and the additional comments for suggested improvements.

- 2. Is there any additional clarity that you think is needed on the determinations procedures in the G2TWQ Determinations Guidance?**

1. The guidance sets out that escalation to the authority can only happen after parties have utilised 'other ADR routes available' and elsewhere refers to arbitration. However, there is no clear list of ADR routes that must be exhausted which creates uncertainty. Similarly, it is not clear if arbitration must take place before escalation to the authority.
2. Elsewhere it states that a deadlock letter must have been issued by NESO or the relevant DNO. There needs to be clear guidance and obligations on NESO & the DNOs to provide these letters under certain conditions and within given timeframes. This is a pre-requisite for escalation but is not in the control of Users.
3. It states 'there may be real practical constraints that will limit the beneficial outcomes that the Authority can direct when we find in favour of the applicant'. We feel there is no reason why the high level outcome cannot be identified now. For examples, parties who are successful through the disputes process would be re-entered into the Gate 2 queue and given the soonest available connection date that works for them?
4. In relation to cost, it says 'the Authority is currently considering whether to recover the costs it incurs for determinations it reaches in relation to the GWTWQ exercise'. This point should be understood before any disputes are likely to be raised.
5. In Appendix 1 it says 'Projects that meet the criterial will receive a Gate 2 Modification Offer, which will result in changes or revisions to the existing connection agreements, including potentially timelines'. We assume this means that there may be changes to Completion Date / Appendix J dates but the wording used here is not clear.

Additional Comments

1. The consultation repeatedly highlights the limited circumstances under which escalation will be accepted, the time it will take to reach a conclusion and the limited benefits that are likely to be available. This is not reassuring for Users that will have valid concerns about potential issues with the G2TWQ process. The reference to arbitration and exhausting all ADR routes will take many months, if not years, and if there is no clear and significant benefit to following the process, then it becomes redundant. This is extremely unfair in the situations where the User has been treated incorrectly through the G2TWQ process.
2. There is no clarity on the outcomes for User's who successful through this dispute process it states the benefits are likely to be limited. The guidance references the restrictions in potential benefits due to the Gated windows process. However, we would expect that exceptions can be made for the limited number of projects that will be seeking re-entry to the queue following successful disputes.
3. It suggests that a dispute can only be raised once the Gate 1 AtV is received. For projects that fail detailed checks, that is expected Q1 2026 but this is not yet guaranteed adds unnecessary delay. Under these unique and bespoke circumstances, can the issue be escalated once a notification is received of having failed detailed checks (and the appropriate dispute resolution steps have been taken), without the need to wait for the updated contract?
4. There is reference to the Authority's decision-making process taking 'many months'. Under the limited scope of the escalations, we would expect this process could be significantly accelerated and offering a time-bound decision time would give much more confidence to Users and allow for a more meaningful benefit for successful challengers.

In summary, we would suggest that a short, time-bound period should be defined for OFGEM to take a decision on any issues escalated. This should be available to Users after Gate 1/Gate 2 notification has been issued and the NESO escalation / challenge process has been completed. NESO should be bound to issue the deadlock letter as soon as this process is complete, which will allow the OFGEM process to begin immediately. Given the limited scope of the issues which can be escalated, we believe this process can be expedited and delivered within a timescale that can bring meaningful benefit to Users. We believe there should be a clear outcome if User's are successful through the escalation process, which makes every effort to minimize the impact of the incorrect decision.

Thanks,

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