

Registered Office:  
Newington House  
237 Southwark Bridge Road  
London SE1 6NP

Company:  
UK Power Networks  
(Operations) Limited



Registered in England and Wales No: 3870728

Electricity Connections Regulation Team  
Ofgem  
10 South Colonnade  
London  
E14 4PU

By email only to: [connections@ofgem.gov.uk](mailto:connections@ofgem.gov.uk)

14 November 2025

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

Dear Sir/Madam

Thank you for the opportunity to comment on the above consultation dated 31 October 2025. This letter should be treated as a consolidated response on behalf of UK Power Networks' three distribution licence holding companies: Eastern Power Networks plc (EPN), London Power Networks plc (LPN), and South Eastern Power Networks plc (SPN).

### Response to your consultation questions

#### **1. 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?**

The guidance is generally clear in setting out the Authority's determination processes and expectations, but we think that the references in the Overview and the Guidance text to 'Alternative Dispute Resolution' are unclear and may lead to confusion. We believe that 'Alternative Dispute Resolution' should be replaced by 'Internal Dispute Resolution' (IDR).

In setting out the Authority's determination process for complaints relating to DNOs, the expectation is that the parties will have first exhausted dispute resolution through the DNO's own complaint resolution processes (resulting in a deadlock letter i.e. IDR) before applying to the Authority for a determination. We believe that this is all that needs to be said and references (in relation to DNO related disputes) to ADR are unhelpful and confusing.

For example, the paragraph in the Overview which reads:

'Where formal ADR routes, such as arbitration, are exhausted and reach an outcome, this will likely limit Ofgem's ability to reach a different decision under a determination.'

It would have been clearer if it read without any references to ADR, i.e.:



‘Where the dispute relates to NESO, and the CUSC ‘Other Disputes’ process has been exhausted and reached an outcome, this may limit Ofgem’s ability to reach a different decision under a determination’.

We believe that each instance of ADR should be reviewed and updated to avoid this confusion.

In the text of the Supplemental Guidance in Appendix 1, there are fewer references to ADR but these also need to be amended to avoid confusion in relation to DNO related disputes:

- In section 2, amend the heading from ‘Step 1: Alternative Dispute Resolution’ to ‘Step 1: Internal Dispute Resolution’.
- In paragraph 2.3, amend to read “Therefore, before an approach to the Authority is made to resolve a dispute or for a determination, such internal dispute resolution routes must be exhausted.’
- In paragraph 2.4, delete the final bullet point “• Utilise other ADR routes available”.
- The final sentence of paragraph 2.11 should be amended to read as follows: “As noted in Step 1, internal dispute resolution routes (including, where relevant, those available to parties under the CUSC) must also be exhausted first before disputing parties may approach the Authority with a request for a determination.”
- Paragraph 2.20 should be amended to read “2.20 It is therefore in the best interests of all parties to recognise the limits of the beneficial outcomes available through determinations, and to act as quickly as possible to resolve any disputes arising from the G2tWQ exercise through internal dispute resolution procedures.”
- In paragraph 3.1, amend the final bullet point to read “Evidence that internal dispute resolution routes have been exhausted e.g. a deadlock letter has been issued by NESO or the relevant DNO.”
- Paragraph 3.3 should be amended to read “The determinations process can vary, as outlined in Section 2, therefore internal dispute resolution will be the quickest route for a resolution for parties to raise a dispute. However, if resolution has not been possible, then a request for determination should be raised with the Authority as soon as possible after the internal dispute resolution process, but no longer than 30 days after this has concluded.”
- The second sentence of Paragraph 3.11 should be amended to read “Ofgem’s 2017 Determinations Guidance is to recover costs only where the actions of the parties have caused us to incur costs beyond what would normally be expected (e.g., by causing unnecessary delay, not following available dispute resolution processes, or deliberately withholding information).”

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

The proposed amendments above will make the guidance clearer in setting out that the process for claims against DNOs is:

1. First make full use of the DNO's complaint/dispute resolution process;
2. If this is unable to resolve the matter, the DNO issues a deadlock letter;
3. Following receipt of such a deadlock letter, the customer can apply to the Authority for a determination.

If you have any queries on the above feedback please do not hesitate to contact me or one of my colleagues copied into this response.

Yours faithfully

A handwritten signature in black ink, appearing to read 'James Hope', with a stylized flourish at the end.

James Hope  
Head of Regulation & Regulatory Finance  
UK Power Networks

Copy Ross Thompson, Head of Commercial Services, Connections, UK Power Networks  
Paul Measday, Regulatory Reporting & Compliance Manager, UK Power Networks