

**RWE Innogy Comments on DTI/OFGEM Consultation
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BETTA consultation on legal drafting for the GB CUSC

The following comments are made on behalf of RWE Trading, RWE Innogy plc, Innogy Cogen Ltd., Innogy Cogen Trading Ltd., npower Ltd., npower direct Ltd, npower Northern Supply Ltd., npower Yorkshire Supply Ltd, npower Northern Ltd, npower Yorkshire Ltd.

Thank you for the opportunity to respond to this consultation.

We are supportive of the proposal to amend the CUSC to apply to BETTA and to remove the requirement for licence exempt transmission-connected generators to be party to the BSC. The proposal will reduce the administrative burden on small transmission connected generating plant in Scotland and help bring them into line with similar plant in England and Wales.

However, as the proposed text is drafted, it would only apply to exemptable generating plant where the responsible party is exempt from holding a generating licence. We believe that this would discriminate against licensed generators who own exemptable generating plant. It could result in licensed generators establishing unlicensed subsidiaries to assume the responsibilities of their exemptable plant merely to take advantage of the provisions as drafted. This would be inefficient and unnecessary.

We therefore propose that the provisions should apply to 'exemptable plant' as defined under the BSC. This could be achieved by defining an 'Exempt Power Station' as a power station comprising Exemptable Generating Plant (as defined in the BSC).

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