

Notice under section 11A (3) of the Electricity Act 1989

The Gas and Electricity Markets Authority ("the Authority") hereby gives notice pursuant to section 11A (3) of the Electricity Act ("the Act") as follows:

1. The Authority proposes to insert a new standard licence condition 9A (Compliance with the DCUSA) into the electricity supply licence ("the licence") granted or treated as granted to electricity suppliers ("the licensees") pursuant to section 6(1) (d) of the Act, in the manner set out in schedule 1 of this notice.
2. The reason why the Authority proposes to insert a new standard licence condition 9A is to secure that the licensee, with effect from the due date, shall be a party to the DCUSA Accession Agreement, shall comply with the provisions of the DCUSA, and shall at all times thereafter remain compliant with the DCUSA as modified from time to time.
3. Further detail on the purpose and effect of this modification can be found in the document published by the Authority on 23 November 2005 entitled [*Governance in the Electricity Distribution Commercial Arrangements – Conclusions and Final Proposals*](#). A printed copy of the document is available free of charge from the Ofgem library, 9 Millbank, London, SW1P 3GE (020 7901 7003).
4. Any representations or statutory objections to the proposed licence modification may be made on or before 13 February 2006 and should be addressed to David Edward, Ofgem, 9 Millbank, London, SW1P 3GE (020 7901 7435) or [David Edward](#). Parties wishing to raise a statutory objection are invited to make use of the pro-forma at schedule 2 of this notice.

A handwritten signature in black ink, appearing to read "N. Simpson", with a horizontal line drawn underneath.

Nick Simpson
Director, Industry Codes and Licensing
Authorised on behalf of the Authority

13 January 2006

Schedule 1

Condition 9A. Compliance with the DCUSA

1. With effect from the due date, the licensee shall be a party to the DCUSA Accession Agreement and shall comply with the provisions of the DCUSA.
2. Without prejudice to any accrued rights, liabilities, or obligations subsisting under any agreement for use of system to which the licensee is a party immediately before the due date, each such agreement shall cease to have effect from that date.
3. The licensee shall take all reasonable steps consistent with the procedures applicable under or in relation to the industry documents to which it is a party (or in relation to which it holds a right of amendment) to secure and implement, and shall not take any steps to prevent or unduly delay, such changes to those documents as are appropriate in order to give full and timely effect to or in consequence of any amendment which has been made to the DCUSA in accordance with the provisions thereof.
4. For the avoidance of doubt, paragraph 3 is without prejudice to any rights of approval, veto or direction in respect of proposed changes to the industry documents which the Authority may have.
5. In this condition:

"DCUSA"	means the Distribution Connection and Use of System Agreement required to be in place pursuant to standard condition 9B of the distribution licence ("the said condition").
"DCUSA Accession Agreement"	means the agreement of that title, required to be in place pursuant to the said condition, by which the DCUSA is made contractually binding between parties to that agreement.
"due date"	means the date on which a direction is given by the Authority pursuant to paragraph 2 of the said condition.
"industry documents"	means any of the documents specified as such in the said condition

Schedule 2

Proposed Modification of Standard Licence Condition(s)

[insert numbers] in [type of licence]

In response to the statutory notice dated [] in respect of the proposed modification, this notice constitutes a statutory objection to that proposal on behalf of [state full name of each relevant licence holder making the objection]. I confirm that I am duly authorised to give this notice on behalf of each of the above named companies.

[Signed]

Date: []

[Address for acknowledgement, preferably including email address]