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Dear Mark,

**Consultation on “the “timing out” of Authority decisions on modifications**

Thank you for the opportunity to respond to the above consultation I am writing to you as CUSC Amendments Panel Chair on behalf of the CUSC Amendments Panel...

The issues associated with the “timing out” of CUSC modifications were debated at the 5<sup>th</sup> December 2008 CUSC Amendments Panel. It was noted that to the Panel’s knowledge this risk has not materialised under CUSC governance, current practice being that the CUSC Panel usually recommends an implementation date of a specific period following the Authority decision.

In a few cases there have been decisions linked by date with IS development or a time specific event and a contingency has been included to avoid timing out, for example CAP094 Limited Duration Transmission Entry Capacity and CAP107 Redefinition of Response Energy Payment (REP) for Mandatory Frequency Response . The only exception to this is the recent Transmission Access modifications where some have implementation dates of April 2010 and the drivers for such an implementation date are of course well understood by Ofgem.

The Panel questioned the validity and longevity of the analysis contained within Amendment Reports when an Authority decision is taken after a significant period of time has elapsed. For instance, the current CAP148 has been awaiting an Authority decision in excess of 500 days since submission of the final modification report, with an additional consultation recently announced for 2009 which will further delay a conclusion. Consequently, the Panel has requested the Governance Standing Group to consider this issue as part of their current remit of work.

As a result the Panel believes that the current arrangements within the CUSC are appropriate and that such changes as proposed by Ofgem within this consultation should not be taken forward or implemented.

If you wish to discuss further please do not hesitate to contact me or Emma Carr on 01926 655843, [emma.j.carr@uk.ngrid.com](mailto:emma.j.carr@uk.ngrid.com).

Yours sincerely

*Alison Kay* (by email)