

Mr Mark Feather
Director, Industry Codes and
Licensing
The Office of Gas and Electricity
Markets
9 Millbank
London
SW1P 3GE

Your ref

Our Ref

Date

12th January 2009

Contact / Extension

Paul McGimpsey
01698 413174

Dear Mark,

The “timing-out” of Authority decisions on modification proposals

Thank-you for the opportunity to respond on the issues raised in this consultation paper. This response is submitted on behalf of SP Energy Networks (SPEN), which includes the licensed network owning businesses SP Transmission Limited, SP Distribution Limited and SP Manweb PLC.

SPEN acknowledges the difficulties that may be faced by the Authority in reaching a decision on modification proposals in certain limited circumstances (i.e. where additional time is needed to consider the concerns and issues raised by respondents and where the proposal in question is not fundamentally linked to a date related event), within the set timetable. SPEN is also supportive of the expressed desire to minimise the wasteful use of resources whilst ensuring the benefits of any proposal to the industry are not lost as a result of code modifications “timing out”.

SPEN does not support, however, the introduction of any change that would result in open-ended implementation dates, whether this is under the BSC, CUSC or any other industry code. For this reason SPEN would support the adoption of the suggested **Option A**, i.e. “the Authority would be empowered to vary implementation timetables prior to reaching a decision on a proposal and following consultation”.

In adopting Option A, SPEN would anticipate that the Authority should be under an obligation, following recognition of there being a circumstance that necessitated the extension of timescales, to:

1. engage with the appropriate Code Panel at as early a stage in the process as it was able, and (having done so)
2. to enter into such industry consultation as is appropriate in the circumstances providing an outline of the reason for the proposed delay and the proposed variation to the timetable sought.

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**SP ENERGY
NETWORKS**

Regulation & Commercial

I trust you will find these comments to be of use. Please do not hesitate to contact me should you have queries on any of the points raised.

Yours sincerely,

Paul McGimpsey
Regulation & Commercial

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