



DNOs, IDNOs and other interested parties

Promoting choice and value for all gas and electricity customers

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Date: 18 December 2009

Dear Colleague,

Open letter on Ofgem's proposals to introduce new connections standards of performance for electricity distributors

Introduction

As part of the Distribution Price Control Review process (DPCR5), Ofgem is introducing new connections standards of performance that will apply to the metered and unmetered connections services provided by all licensed Electricity Distributors. These new connections standards are contained in the draft Electricity (Connection Standards of Performance) Regulations 2010 (the "New Connections Standards"), attached as Annex 3 to this letter.

Ofgem is also proposing to revise a number of the standards currently contained in The Electricity (Standards of Performance) Regulations 2005 (the "Existing Standards"). This letter deals only with the New Connections Standards, a separate open letter on the Existing Standards has also been published by Ofgem today.

Purpose of this letter

We have already carried out one round of consultation, in November 2009, for the New Connections Standards. The purpose of this letter is to undertake a further consultation on the proposed New Connections Standards as it has been amended since our previous open letter consultation.¹

Annex 1 to this letter lists the further changes proposed to the New Connections Standards and Annex 2 sets out the responses we received to our consultation letter.

Views invited

For the avoidance of doubt the purpose of this consultation is to provide respondents with an opportunity to consider the further changes that have been proposed for the New Connections Standards and to ensure that it reflects and is consistent with the final policy

¹ Open letter on Ofgem's proposals to introduce new connections standards of performance and revise existing standards of performance for electricity distributors Ref: 137/09 5 November 2009

position as set out in DPCR5 Final Proposals². To clarify, we are not discussing policy in this consultation.

Overview of key changes – New Connections Standards

A high level overview of some of the key changes that have been made to the New Connections Standards is presented below.

Definitions

A number of the definitions included in the New Connections Standards have been amended. The changes to the definitions are designed to bring about consistency across the various connections reporting mechanisms that have been developed for DPCR5. Going forward we expect to receive consistent and clearer reporting on connections activity. Therefore, it is important to ensure that the definitions for the New Standards are in line with how we will gather information across connections in DPCR5.

Changes flagged up in our initial consultation letter

In our initial consultation letter we flagged up a number of policy issues that were in the process of being developed at the time of initial consultation. We explained that these matters may be reflected in a further draft of the New Connections Standards. An update on these issues is set out below:

- Planning of unmetered works

New drafting in the form of an exemption has been included in the New Connections Standards to clarify that where a local authority exceeds a volume threshold of new orders for unmetered work in a certain month, the number above the threshold will be exempt from the standards.

- Price Accuracy Review scheme

The price accuracy review scheme has been redefined to quotation accuracy review scheme. This clarifies that the purpose of the scheme is for customers to challenge the accuracy of a DNOs quotation rather than the customer challenging whether the DNOs prices are appropriate.

There is further work taking place to develop two key components that support the accuracy review scheme. That is, we are continuing to liaise with industry stakeholders to develop the scheme that DNOs will submit for the Authority's approval. We are also progressing the common template that DNOs have agreed to provide for Authority's approval to both support an accuracy review scheme and enable those customers that are not eligible to raise an accuracy challenge to cross check their quotation against a DNO's charging template. We intend to progress these matters in the New Year and finalise this work before 1 April 2010.

- Commencement date

The attached regulations include a 1 October 2010 commencement date. We have reached this position based on concerns raised by DNOs that they need additional time to develop the necessary IT systems to support the New Connections Standards. It is noted, however, that DNOs have a strong incentive to put these arrangements in place as soon as practicable as until they have done so they will not be allowed to earn a margin on their

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http://www.ofgem.gov.uk/Networks/ElecDist/PriceCtrls/DPCR5/Documents1/FP_2_Incentives%20and%20Obligations%20FINAL.pdf

connection activities. For a further explanation in this respect please refer to our DPCR5 Final Proposals³.

- Capping the standards

In our initial consultation letter we explained that DNOs have argued strongly for individual compensation caps to apply. We explained that we did not propose to apply caps to each individual standard as we believe that the delivery of services is within the control of DNOs. We have not introduced caps that apply to each of the standards. However, we have concluded that an overall cap on DNOs' liabilities under the New Connections Standards is appropriate. An explanation of our position and how this will operate is set out in our Final Proposals document.

Other potential changes following this consultation

We are of the view that the regulation making power in section 39A of the Electricity Act only allows us to include guaranteed performance standards that relate to demand customers and therefore we will not be able to include the standards that relate to distributed generation at this time. We are considering ways of implementing the important policy of applying guaranteed performance standards to this group of customers and will advise stakeholders of the outcomes of these considerations in due course. In the meantime we ask you to comment on the New Connections Standards as if these would apply to distributed generators because this reflects the current policy position on this matter.

Next Steps

We intend to run this consultation on the proposed changes to the New Connections Standards until **11 January 2010**.

Responses should be sent to connections@ofgem.gov.uk. Unless marked confidential, all responses will be published on Ofgem's website. Questions on the New Connections Standards should in the first instance, be directed to Dora Guzeleva on 0207 901 7451 or by email to dora.guzeleva@ofgem.gov.uk.

Yours sincerely



Rachel Fletcher
Partner, Distribution

³http://www.ofgem.gov.uk/Networks/ElecDist/PriceCtrls/DPCR5/Documents1/FP_2_Incentives%20and%20Obligations%20FINAL.pdf

Annex 1 – Summary of changes to the New Connections Standards

The key changes that are being proposed to the New Connections Standards as a result of submissions during the first round of consultations as well as discussions of the relevant industry working groups are:

- The commencement date of the New Connections Standards has been set at 1 October 2010.
- A number of new definitions have been included, including those of "EHV demand connection", "EHV generation connection", "energisation", "HV demand connection", "HV generation connection", "LV demand connection", "LV generation connection", "relevant unmetered connection scheme", "single LV service demand connection" and "service line".
- A number of the definitions included in the New Connections Standards have been amended to bring about consistency across the various connections reporting mechanisms that have been developed for DPCR5. These include the definitions of "single LV service demand connection" and "small project demand connection".
- In addition, the definition for single LV service demand connections has been amended in the attached draft to clarify that this involves no significant work other than the provision of a service line and the electricity distributor's fuses.
- The definitions have been amended to clarify that where a DNO is required to make contact with a customer, there only needs to be one attempt made by a telephone call and, where the DNO is unable to make contact through this call, an email or letter should be sent.
- The provisions related to the application of the New Connections Standards have been amended to clarify that the standards would not apply to connections where an offer was received before 1 October 2010.
- Changes have been proposed to clarify that, for the purposes of the relevant compensation that would apply, the connection type would be determined on the basis of the works set out in the quotation dispatched by the electricity distributor.
- The price accuracy review scheme has been redefined to quotation accuracy review scheme.
- The reference to "unqualified" has been removed with respect to a customer's written acceptance of a quotation.
- New drafting in the form of an exemption has been included in the New Connections Standards to clarify that where a local authority exceeds a volume threshold of new orders for unmetered work in a certain month, the number above the threshold will be exempt from the standards. The threshold is proposed to be set, in respect of a month, at 115% of the monthly average for the last calendar year prior to the start of that month,
- Additional circumstance where extensions of time would apply has been included to cover an inability to undertake live working on the distribution system because of safety concerns.

There are also a number of other minor changes that have been proposed but these are predominantly to improve the legal drafting or of consequential nature. A draft marked up version of the New Connections Standards is attached at Annex 3.

Annex 2 – Summary of Responses to our initial consultation.

We received a number of responses to our initial consultation. All responses unless marked confidential are available on our website ([insert link](#)). Set out below is an overview of the key themes emerging.

DNO comments

▪ Clarity on the standards

A number of DNOs provided detailed comments on the specific drafting of the New Connections Standards. We also received on behalf of DNOs an amended version of the SI to cover off specific drafting concerns and to clarify certain matters. The majority of these amendments are to make the drafting clearer and ensuring that the sufficient clarity is provided on how the standards will operate.

However, as the New Connections Standards is a legal instrument, it will not include a very detailed overview of how each standard will apply and cover off, for example, the practical application of the standards including the extent of input that may be required by customers for a standard to be met. Therefore, we have commenced the process of compiling a Regulatory Instructions and Guidance Document (RIGs).

This document will complement the standards as it will act as a guide for how the standards will operate and will also detail the reporting arrangements that will apply under the New Connections Standards. We believe that this detail is required to ensure that:

- the standards are applied consistently across all DNOs in terms of day to day application and reporting,
- sufficient interpretative detail is included, this is particularly important for unmetered connections where local authorities may have different interpretations on the application of fault repairs, and
- customers are able to access a clear and easy to follow guide on how the standards apply to schemes that they are progressing.

We intend to progress the compilation of the RIGs document and the reporting arrangements in January 2010.

▪ Capping the standards

In their responses some DNOs have continued to question why we are not proposing to cap each of the individual standards. DNOs argue that caps achieve consistency with the existing standards and the equivalent arrangements that apply in gas. This matter has been extensively discussed in the Ofgem led industry working group and our position in this respect is set out in our final proposals document. As discussed above, we have decided not to apply caps to each individual standard, however, we believe that an overall cap on DNOs' liabilities should apply and details of how this will operate is set out in our final proposals.

▪ Overlap of existing standards

DNOs have argued that the Existing Standards must be subject to a carve out to ensure that DNOs are not subject to double jeopardy through the introduction of the New Connections Standards. The Existing Standards pertaining to appointments is of particular concern to DNOs. We have reviewed the Existing Standards and believe that, as a result of the New Connections Standards, there are no conflicting obligations or instances where DNOs may be subject to double jeopardy.

- **Contacting customers**

DNOs suggest that the New Connections Standards should be amended to clarify that where a DNO is required to make contact with a customer, there only needs to be one attempt made by a telephone call, where the DNO is unable to make contact through this call, an email or letter should be sent. We note that a feature of the standards is for customers to provide their contact details. We are of the view that it is reasonable for DNOs if they are unable to contact the customer by telephone to follow the matter up with a letter or email. We also believe that DNOs should be proactive in following up matters with customers and there may be cases where contact may not be made by telephone so it is reasonable for DNOs to use all communication methods to make contact with customers.

- **Treatment of abnormal loads**

DNOs have explained that connections schemes which involve the use of motors, welding equipment or generators generally require further in depth assessments by DNOs, including calculations that will involve identifying the upstream network system fault levels to ensure that such loads do not cause the quality of supply to existing customers to flicker. DNOs have argued that such schemes which are single LV service demand connections or classed as a small project demand connections, the quotation timeframe that should apply would be 25 working days rather than 5 and 15 respectively. We recognise that such schemes will require more in depth assessment of the network before a quotation is provided. Therefore, the definition for single LV service demand connections has been amended in the attached draft to clarify that this involves no significant work other than the provision of a service line and the electricity distributor's fuses.

Comments from Customers

A number of customers expressed their support for the introduction of the New Connection Standards. A number of local authorities in particular welcomed the introduction of standards that apply to the unmetered connection services that DNOs provide.

ANNEX 3 - Statutory Instrument

~~2010 No. Number~~ 1234

ELECTRICITY

The Electricity (Connection Standards of Performance) Regulations 2010

Made

Day Month 2010

Coming into force

[1 October
2010

ARRANGEMENT OF REGULATIONS

PART I

General provisions

1. Citation and commencement
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Services and standards for metered connections

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6. Provision of quotations: other than single LV service demand connections (~~other than and~~ small project demand connections), ~~and generation~~
7. Provision of quotations: ~~price~~quotation accuracy scheme
8. Post-acceptance scheduling and completion of works: ~~low voltage (fewer than five~~single LV service demand connections) ~~and small project demand connections~~
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PART III

Services and standards for unmetered connections

10. Fault repairs
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12. ~~Commencement and completion~~Completion of new works

PART IV

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15. Exemptions
16. Extensions of time
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SCHEDULE 1

Data for the Purpose of Calculating Payments

SCHEDULE 2

Connection Standards of Performance: Practice and Procedure for Determinations

The Gas and Electricity Markets Authority, in exercise of the powers conferred by sections 39A, 39B, 40B and 60 of the Electricity Act 1989 and all other enabling powers, after consultation with the National Consumer Council, with electricity licence holders, and with persons and bodies appearing to be representative of persons likely to be affected by these regulations, after considering the results of research to discover the views of a representative sample of persons likely to be so affected, and with the consent of the Secretary of State in accordance with sections 39A(1) and 39B(3) and (5) of the Electricity Act 1989, hereby makes the following regulations.

PART I

General provisions

Citation and commencement

1. – (1) These regulations may be cited as the Electricity (Connection Standards of Performance) Regulations 2010.
- (2) They come into force on [1 ~~July~~October 2010] and have effect ~~in~~throughout Great Britain.

Interpretation

2. – (1) In these regulations, unless the context otherwise requires –

“the Act” means the Electricity Act 1989.

“agreed date” means, in respect of the commencement or the completion of any works or the energisation of any connection, the date (if any) agreed between the electricity distributor and the customer or the relevant authority (as applicable) by which the works are to be commenced or completed or the connection energised (as applicable), ~~as such~~and includes that date ~~is~~as subsequently varied by agreement between them or revised in accordance with regulation 16.

“applicable date” means, in relation to each occasion on which a regulation applies, the day on which that regulation first applies.

“associated works” means any works required in order to provide a connection to an electricity distributor’s distribution system, including any necessary reinforcement works or diversionary works.

“the Authority” means the Gas and Electricity Markets Authority, ~~as~~ established under section 1 of the Utilities Act 2000.

“budget estimate” means a statement in writing, which may be produced by means of a desktop exercise not involving a site visit or system studies, of the amount that the electricity distributor reasonably estimates it would require the customer to pay in respect of a connection if the customer ~~was~~were to require the electricity distributor to offer terms for making such a connection under section 16A(1) of the Act.

“completion” means, in respect of any works, the ~~substantial completion of those works. completion of electrical works to the point that, subject only to the fitting of an appropriate meter where necessary, energisation would be possible.~~

“contact” means: —

- (a) to place a telephone call, post a letter, send an e-mail, or initiate any other appropriate means of communication, in each case to a number or address specified by the customer for that purpose (as envisaged by regulations 8(1)(~~de~~), 9(1)(~~de~~), and 12(1)(~~de~~); and
- (b) in the case of communication by telephone, where the customer does not answer a telephone call, ~~either to make a reasonable number of attempts to speak to the customer by telephone or~~ to leave a message where it is possible to do so and to contact the customer by an alternative appropriate means of communication, if details sufficient to enable such contact have been provided by the customer.

“the Council” means the National Consumer Council, ~~as~~ established under section 1 of the Consumers, Estate Agents and Redress Act 2007.

“customer” means an owner or occupier of premises in Great Britain who is supplied or requires to be supplied with electricity by an electricity supplier, and includes an electricity supplier where it is acting on behalf of such a person.

“demand connection” means a ~~connection~~ new or modified connection (including, for the purposes of regulations 4 to 7, any modification carried out solely to facilitate an alteration to the position of a meter) the purpose of which is to enable premises to receive a supply of electricity from an electricity distributor’s distribution system.

“dispatch” includes transmission by email.

“diversionary works” means (except in relation to any requirement arising under section 84 of the New Roads and Street Works Act 1991) works to move any electric lines or electrical plant in order to facilitate the extension, redesign or redevelopment of any premises on which such lines or plant are located and to which they are connected.

“EHV demand connection” means a demand connection at any voltage level where the highest voltage of the assets involved in providing such connection, and any associated works, is extra-high voltage.

“EHV generation connection” means a generation connection at any voltage level where the highest voltage of the assets involved in providing such connection, and any associated works, is extra-high voltage.

“energisation” means the insertion of a fuse or operation of a switch that will allow an electrical current to flow from an electricity distributor’s distribution system to the customer’s installation, or from the customer’s installation to that distribution system, when the action in question is required to be carried out by the electricity distributor and is subject to any industry code maintained in accordance with the conditions of the electricity distributor’s distribution licence and with which the electricity distributor is required to comply.

“extra-high voltage” means a nominal voltage of more than 22,000 volts up to and including 132,000 volts in England and Wales and up to but excluding 132,000 volts in Scotland.

“generation connection” means a ~~connection~~new or modified connection (including, for the purposes of regulations 4 to 7, any modification carried out solely to facilitate an alteration to the position of a meter) the purpose of which is to enable an electricity distributor’s distribution system to receive a supply of electricity from premises.

“high voltage” means a nominal voltage of more than 1,000 volts but not more than 22,000 volts.

“HV demand connection” means a demand connection at any voltage level where the highest voltage of the assets involved in providing such connection, and any associated works, is high voltage.

“HV generation connection” means a generation connection at any voltage level where the highest voltage of the assets involved in providing such connection, and any associated works, is high voltage.

“low voltage” means a nominal voltage not exceeding 1,000 volts.

“LV demand connection” means a low-voltage demand connection where the highest voltage of the assets involved in providing such connection, and any associated works, is low voltage.

“LV generation connection” means a low-voltage generation connection where the highest voltage of the assets involved in providing such connection, and any associated works, is low voltage.

“payment date” means, in relation to any paragraph or sub-paragraph of these regulations, the period specified in column 4 of Schedule 1 against the reference to that paragraph or sub-paragraph in column 1 of that Schedule.

“premises” includes any distribution system.

“prescribed period” means, in relation to any paragraph or sub-paragraph of these regulations, the period specified in column 2 of Schedule 1 against the reference to that paragraph or sub-paragraph in column 1 of that Schedule.

“prescribed sum” means, in relation to any paragraph or sub-paragraph of these regulations, the amount set out in column 3 of Schedule 1 against the reference to that paragraph or sub-paragraph in column 1 of that Schedule.

“quotation” means the notice required to be given by an electricity distributor in accordance with section 16A(5) of the Act.

~~“price quotation~~ accuracy scheme” means, in respect of an electricity distributor, a scheme, including a process through which a customer can challenge whether it has received an accurate quotation, published by the electricity distributor pursuant to a requirement of its distribution licence.

~~“quotation” means the notice required to be given by an electricity distributor in accordance with section 16A(5) of the Act.~~

“reinforcement works” means works required on an electricity distributor’s distribution system to accommodate a new or ~~a~~ modified connection.

~~“service connection” means a dedicated connection at low voltage to single premises, whether for demand or generation.~~

“relevant authority” means an authority with responsibility for street lighting or street furniture.

“relevant unmetered connection scheme” means the connection of no more than 100 units of street lighting or other street furniture for which a relevant authority is responsible, where such units are in the same street or adjacent streets, and where such units are to receive an unmetered supply.

“single LV service demand connection” means an LV demand connection to single premises, involving a single-phase connection and no significant work other than the provision of a service line and the electricity distributor’s fuses.

“service line” means a low-voltage electric line or any part of that line that will, at the time it is provided, be used only for supplying single premises, excluding any part of the line that, at the time it is provided, is intended by the distributor to be used to enable it to provide a connection to other premises in respect of which the distributor has received, or would reasonably expect within the following 12 months to receive, a notice under section 16A(1) of the Act.

“small project demand connection” means a ~~demand connection to enable a supply to be provided at low voltage to fewer than five premises, where the total requested capacity of those connections is less than 70 kVA.~~connection (via low-voltage circuits fused at 100 amperes or less per phase with whole-current metering) where the highest voltage of the assets involved in providing such connection, and any associated works, is low voltage, to –

- (a) a development scheme requiring fewer than five single-phase or two-phase connections at domestic premises and involving only the provision of a service line and the electricity distributor’s fuses; or

(b) a development scheme requiring fewer than five single-phase or two-phase connections at domestic premises and involving an extension of the existing low voltage network.

[(2) Unless otherwise provided in these regulations, words or expressions defined for the purposes of any of the conditions of a distribution licence granted or treated as granted under the Act have the same meaning when used in these regulations.]

(3) In these regulations, “Schedule 1” and “Schedule 2” mean, as appropriate, Schedule 1 and Schedule 2 to these regulations.

(4) Unless the context otherwise requires, any reference in these regulations to a numbered regulation is a reference to the regulation in these regulations bearing that number, and any reference in a regulation to a numbered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph bearing that number in the regulation.

(5) For the purposes of these regulations –

(a) where a person is a customer in respect of multiple premises, a reference in a regulation to “customer” is a reference to that person in respect of each of the premises at which he is a customer to which the regulation applies; and

(b) any reference to a customer (except in relation to the entitlement to any payment due from an electricity distributor under these regulations) includes any person having apparent authority to represent the customer.

Application

3. – (1) ~~A number of these regulations~~ Regulations 5 to 9 (inclusive) and 11 and 12 apply where an electricity distributor has received a notice pursuant to section 16A(1) of the Act from a customer who requires or may require a connection to be made by the electricity distributor pursuant to section 16(1) of the Act.

(2) ~~Where relevant, these~~ The regulations referred to in paragraph (1) apply whether or not the connection that was contemplated by the customer is subsequently made.

(3) The regulations referred to in paragraph (1) do not apply to connections where an offer was received before 1 October 2010.

PART II

Services and standards for metered connections

Provision of budget estimates

4. – (1) This regulation applies to an electricity distributor where –

(a) a customer requests that the electricity distributor provides a budget estimate in respect of a connection of the customer’s premises to the electricity distributor’s distribution system; and

(b) the electricity distributor receives from the customer –

(i) the information relating to the provision of the connection that is or could reasonably be expected to be within the knowledge of the customer and that

the electricity distributor reasonably requires to enable it to provide the budget estimate; and

- (ii) payment of any reasonable charge that the law allows the electricity distributor's ~~reasonable charge~~ to make for providing the budget estimate.

(2) Where this regulation applies and ~~paragraph (4) applies and the electricity distributor fails to dispatch a budget estimate to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.~~ (3) ~~Where this regulation applies but paragraph (4) does not apply~~ the requested capacity of the connection that is the subject of the budget estimate request is less than 1 MVA, and the electricity distributor fails to dispatch a budget estimate to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

~~(4) This paragraph~~ (3) Where this regulation applies ~~where~~ and the requested capacity of the connection that is the subject of the budget estimate request is ~~less than~~ 1 MVA or more, and the electricity distributor fails to dispatch a budget estimate to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(54) In providing a budget estimate the electricity distributor must –

- (a) ~~include~~ describe the assumptions on which the budget estimate is based, including a reference to any matters that the electricity distributor considers might cause the amount of the budget estimate to be varied significantly in a quotation provided in accordance with section 16A(5)(b) of the Act; and
- (b) set out the further information that would be needed to satisfy the requirements of a notice provided in accordance with section 16A(1) of the Act, ~~or describe the assumptions on which the budget estimate is based; and~~
- (c) ~~indicate~~ set out whether any (and, if so, at what likely cost) associated works ~~would be likely to~~ be required ~~in respect of the relevant connection.~~

Provision of quotations: single LV service demand connections and small project demand connections

5. – (1) This regulation applies to an electricity distributor where –

- (a) a customer gives a notice under section 16A(1) of the Act (including a notice modifying any previous notice) requesting the offer of terms for making a connection;
- (b) the connection to which the notice relates is a single LV service demand connection or a small project demand connection; and
- (c) the electricity distributor receives from the customer: =
 - (i) the information relating to the provision of the connection that is or could reasonably be expected to be within the knowledge of the customer and that the electricity distributor reasonably requires to enable it to provide

the quotation (including information obtained by the electricity distributor at a site visit, where appropriate); and

- (ii) payment of any ~~charge that the electricity distributor is entitled to levy for providing the quotation.~~ connection offer expenses in accordance with regulations made under section 16A(4A) of the Act.

(2) Where this regulation applies and ~~paragraph (4) applies~~ the connection to which the notices relates is a single LV service demand connection, and the electricity distributor fails to dispatch a quotation to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(3) Where this regulation applies ~~but paragraph (4) does not apply~~ and the connection to which the notice relates is a small project demand connection, and the electricity distributor fails to dispatch a quotation to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(4) ~~This paragraph applies where the requested offer of terms relates to the provision of a single connection at low voltage.~~ For the purposes of this regulation, whether or not a connection is a single LV service demand connection or a small project demand connection is to be determined on the basis of the works set out in the quotation dispatched by the electricity distributor.

Provision of quotations: other than single LV service demand connections (~~other than and small project demand connections~~) and ~~generation connections~~

6. – (1) This regulation applies to an electricity distributor where –

- (a) a customer gives a notice under section 16A(1) of the Act (including a notice modifying any previous notice) requesting the offer of terms for making a connection;
- (b) the connection to which the notice relates is a generation connection, or a demand connection other than a single LV service connection or a small project demand connection; and
- (c) the electricity distributor receives from the customer –
 - (i) the information relating to the provision of the connection that is or could reasonably be expected to be within the knowledge of the customer and that the electricity distributor reasonably requires to enable it to provide the quotation; and
 - (ii) payment of any connection offer expenses in accordance with regulations made under section 16A(4A) of the Act.

(2) Where this regulation applies and ~~one of paragraphs (3) to (7) applies~~ the connection to which the notice relates is an LV demand connection, and the electricity distributor fails to dispatch a quotation to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

~~(3) This paragraph applies where the requested quotation relates to the provision of a new or modified demand connection, and where the highest voltage of the assets involved in providing such connection, and any associated works, is low voltage.~~

~~(4) This paragraph applies where the requested quotation relates to the provision of a new or modified generation connection, and where the highest voltage of the assets involved in providing such connection, and any associated works, is low voltage.~~

~~(5) This paragraph applies where the requested quotation relates to the provision of a new or modified demand connection, and where the highest voltage of the assets involved in providing such connection, and any associated works, is high voltage [(including low voltage connections involving high voltage work)].~~

~~(6) This paragraph applies where the requested quotation relates to the provision of a new or modified generation connection, and where the highest voltage of the assets involved in providing such connection, and of any associated works, is high voltage [(including low voltage connections involving high voltage work)].~~

~~(7) This paragraph applies where the requested quotation relates to the provision of a new or modified connection, and where the highest voltage of the assets involved in providing such connection, and any associated works, is extra-high voltage [(including low voltage, and high voltage connections involving extra-high voltage work)].~~

(3) Where this regulation applies and the connection to which the notice relates is an LV generation connection, and the electricity distributor fails to dispatch a quotation to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(4) Where this regulation applies and the connection to which the notice relates is an HV demand connection, and the electricity distributor fails to dispatch a quotation to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(5) Where this regulation applies and the connection to which the notice relates is an HV generation connection, and the electricity distributor fails to dispatch a quotation to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(6) Where this regulation applies and the connection to which the notice relates is an EHV demand connection or an EHV generation connection, and the electricity distributor fails to dispatch a quotation to the customer within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(7) For the purposes of this regulation, whether or not a connection is a single LV service demand connection or a small project demand connection is to be determined on the basis of the works set out in the quotation dispatched by the electricity distributor.

Provision of quotations: ~~price~~quotation accuracy scheme

7. – (1) This regulation applies to an electricity distributor where –

- (a) the electricity distributor has provided a customer with a quotation, and that quotation is a quotation to which the electricity distributor's ~~price~~quotation accuracy scheme applies;
- (b) the customer challenges the quotation under the ~~price~~quotation accuracy scheme; and
- (c) the quotation is found, in accordance with the ~~price~~quotation accuracy scheme, to have been ~~too high~~inaccurate or incomplete.

(2) Where this regulation applies, the electricity distributor ~~shall~~must, in accordance with the provisions of its quotation accuracy scheme, refund to the customer the amount of any overpayment made by the customer in respect of the quotation.

(3) Where this regulation applies, and the quotation relates to a single LV service demand connection ~~with a capacity of less than 70 kVA~~, the electricity distributor must pay to the customer the prescribed sum.

(4) Where this regulation applies, and the quotation relates to ~~more than one service connection but fewer than five service connections and the total capacity of those service connections does not exceed 70 kVA~~a small project demand connection, the electricity distributor must pay to the customer the prescribed sum.

Post-acceptance scheduling and completion of works: ~~low voltage (fewer than five~~single LV service demand connections) and small project demand connections

8. – (1) This regulation applies to an electricity distributor where it receives –

- (a) a customer's ~~unqualified~~ written acceptance of a quotation relating to ~~fewer than five demand service connections~~a single LV service demand connection or a small project demand connection within the requisite timescale referenced by the electricity distributor in that quotation;
- (b) payment of any amount due to be paid to the electricity distributor in accordance with the accepted quotation –
 - (i) in respect of paragraph (2), on acceptance of the quotation, or
 - (ii) in respect of paragraph (3), prior to completion of the works or a phase of the works (as applicable);
- (c) any reasonable security required by the electricity distributor under section 20(1) of the Act;
- (d) ~~unqualified~~ written acceptance of any additional terms of connection proposed by the electricity distributor under section 21 of the Act; and
- (e) details of any reasonable means by which the customer may be contacted in Great Britain by the electricity distributor during the period 9 am to 5 pm on a normal working day in respect of the quotation.

(2) Where this regulation applies and the electricity distributor fails within the prescribed period from the applicable date to contact the customer to commence the process of agreeing a schedule of dates for ~~commencement and~~ completion of the works referenced in the accepted quotation, the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(3) Where this regulation applies and a date has been agreed between the electricity distributor and the customer, if the electricity distributor fails to complete the works (or a phase of the works) provided for in the accepted quotation by the agreed date, the electricity distributor must pay to the customer the prescribed sum.

Post-acceptance scheduling and completion of works, and energisation: ~~low voltage (five or more other than single LV service demand connections, high voltage and extra-high voltages) small project demand connections~~

9. – (1) This regulation applies to an electricity distributor where it receives –

- (a) a customer's ~~unqualified~~ written acceptance of a quotation relating to ~~five or more service connections or to connections at high voltage or extra-high voltage~~ connection other than a single LV service demand connection or a small project demand connection within the requisite timescale referenced by the electricity distributor in that quotation;
- (b) payment of any amount due to be paid to the electricity distributor in accordance with the accepted quotation –
 - (i) in respect of paragraph (2), (3) or (4), on acceptance of the quotation;
 - (ii) in respect of paragraph (5), prior to commencement of works at or in relation to the premises or a phase of works at or in relation to the premises (as applicable);
 - (iii) in respect of paragraph (6), (7) or (8), prior to completion of the works or a phase of the works (as applicable); or
 - (iv) in respect of paragraph (9), (10) or (11), prior to energisation of the connection or connections (as applicable);
- (c) any reasonable security required by the electricity distributor under section 20(1) of the Act;
- (e) ~~ed~~ ~~unqualified~~ written acceptance of any additional terms of connection proposed by the electricity distributor under section 21 of the Act; and
- (d) details of any reasonable means by which the customer may be contacted in Great Britain by the electricity distributor during the period 9 am to 5 pm on a normal working day in respect of the quotation.

(2) Where this regulation applies and ~~one of paragraphs (3) to (5) applies~~ the accepted quotation relates to the provision of an LV demand connection or an LV generation connection,

and the electricity distributor fails within the prescribed period from the applicable date to contact the customer to commence the process of agreeing a schedule of dates for commencement of works at or in relation to the premises, completion of the works, and energisation of the ~~works~~ connection (in each case as referenced in the accepted quotation), the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

~~(3) This paragraph applies where the accepted quotation relates to the provision of a new or modified connection, and where the highest voltage of the assets involved in providing such connection, and any associated works, is low voltage.~~

~~(4) This paragraph applies where the accepted quotation relates to the provision of a new or modified connection, and where the highest voltage of the assets involved in providing such connection, and any associated works, is high voltage [(including low voltage connections involving high voltage work)].~~

~~(5) This paragraph applies where the accepted quotation relates to the provision of a new or modified connection, and where the highest voltage of the assets involved in such provision and any associated works, is extra-high voltage [(including low voltage, and high voltage connections involving extra-high voltage work)].~~

(3) Where this regulation applies and the accepted quotation relates to the provision of an HV demand connection or an HV generation connection, and the electricity distributor fails within the prescribed period from the applicable date to contact the customer to commence the process of agreeing a schedule of dates for commencement of works at or in relation to the premises, completion of the works, and energisation of the connection (in each case as referenced in the accepted quotation), the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(4) Where this regulation applies and the accepted quotation relates to the provision of an EHV demand connection or an EHV generation connection, and the electricity distributor fails within the prescribed period from the applicable date to contact the customer to commence the process of agreeing a schedule of dates for commencement of works at or in relation to the premises, completion of the works, and energisation of the connection (in each case as referenced in the accepted quotation), the electricity distributor must, except in any of the circumstances described in regulation 15, pay to the customer the prescribed sum.

(5) Where this regulation applies and the electricity distributor fails to commence works at or in relation to the premises (or a phase of works at or in relation to the premises) provided for in the accepted quotation by the agreed date, the electricity distributor must pay to the customer the prescribed sum.

(6) Where this regulation applies and a relevant date has been agreed between the electricity distributor and the customer, if the accepted quotation relates to the provision of an LV demand connection or an LV generation connection and the electricity distributor fails to begin complete the works (or a phase of the works) provided for in the accepted quotation by the agreed date, the electricity distributor must pay to the customer the prescribed sum.

(7) Where this regulation applies and a relevant date has been agreed between the electricity distributor and the customer, if the accepted quotation ~~provides for the completion of works that fall within a description in one of paragraphs (8) to (13), and where~~ relates to the provision of an HV demand connection or an HV generation connection and the electricity

distributor fails to complete ~~those~~the works (or a phase of ~~those~~the works) provided for in the accepted quotation by the agreed date, the electricity distributor must pay to the customer the prescribed sum.

~~(8) The works described in this paragraph are connection works that involve only low-voltage works.~~

~~(9) The works described in this paragraph are connection works that include high-voltage works (but not extra-high-voltage works).~~

~~(10) The works described in this paragraph are connection works that include extra-high-voltage works.~~

~~(11) The works described in this paragraph are energisation works that involve only low-voltage works.~~

~~(12) The works described in this paragraph are energisation works that involve high-voltage works (but not extra-high-voltage works).~~

~~(13) The works described in this paragraph are energisation works that involve extra-high-voltage works.~~

(8) Where this regulation applies and a relevant date has been agreed between the electricity distributor and the customer, if the accepted quotation relates to the provision of an EHV demand connection or an EHV generation connection and the electricity distributor fails to complete the works (or a phase of the works) provided for in the accepted quotation by the agreed date, the electricity distributor must pay to the customer the prescribed sum.

(9) Where this regulation applies and a relevant date has been agreed between the electricity distributor and the customer, if the accepted quotation relates to the provision of an LV demand connection or an LV generation connection and the electricity distributor fails to energise the connection (or connections) provided for in the accepted quotation by the agreed date, the electricity distributor must pay to the customer the prescribed sum.

(10) Where this regulation applies and a relevant date has been agreed between the electricity distributor and the customer, if the accepted quotation relates to the provision of an HV demand connection or an HV generation connection and the electricity distributor fails to energise the connection (or connections) provided for in the accepted quotation by the agreed date, the electricity distributor must pay to the customer the prescribed sum.

(11) Where this regulation applies and a relevant date has been agreed between the electricity distributor and the customer, if the accepted quotation relates to the provision of an EHV demand connection or an EHV generation connection and the electricity distributor fails to energise the connection (or connections) provided for in the accepted quotation by the agreed date, the electricity distributor must pay to the customer the prescribed sum.

PART III

Services and standards for unmetered connections

Fault repairs

10. – (1) This regulation applies to an electricity distributor where it ~~receives notice, from the owner of street lighting or street furniture that receives a supply of electricity through an~~

~~unmetered connection, and where that connection is not the subject of a separate repair-related commercial agreement between the electricity distributor and the owner,~~ is notified by a relevant authority of a fault repair that needs to be carried out in respect of ~~the~~ an unmetered connection through which a supply of electricity is provided to street lighting or street furniture.

(2) Where this regulation applies and the ~~notice~~notification received by the electricity distributor calls for an emergency response, and the electricity distributor fails to attend on site within the prescribed period from the receipt of the ~~notice and~~notification to carry out works to remove immediate danger to the public or to property arising from the electricity distributor's distribution network system, the electricity distributor must, except in any of the circumstances described in paragraph (87), pay to the ~~owner of the premises~~relevant authority the prescribed sum.

(3) Where this regulation applies and ~~one of paragraphs (4) to (7) applies and the electricity distributor fails to complete fault rectification works within the prescribed period from the receipt of the notice,~~ the electricity distributor must, except in any of the circumstances described in paragraph (8), pay to the owner of the premises the appropriate prescribed sum. (4) ~~This paragraph applies where the notice~~the notification received by the electricity distributor calls for a high priority fault repair involving traffic lights, and the electricity distributor fails to complete fault-rectification works within the prescribed period from the receipt of the notification, the electricity distributor must, except in any of the circumstances described in paragraph (7), pay to the relevant authority the appropriate prescribed sum.

~~(5) This paragraph~~ (4) Where this regulation applies ~~where~~and the ~~notice~~notification received by the electricity distributor calls for a high priority fault repair not involving traffic lights, and the electricity distributor fails to complete fault-rectification works within the prescribed period from the receipt of the notification, the electricity distributor must, except in any of the circumstances described in paragraph (7), pay to the relevant authority the appropriate prescribed sum.

~~(6) This paragraph~~ (5) Where this regulation applies ~~where~~and the ~~notice~~notification received by the electricity distributor calls for a multiple-unit fault repair, and the electricity distributor fails to complete fault-rectification works within the prescribed period from the receipt of the notification, the electricity distributor must, except in any of the circumstances described in paragraph (7), pay to the relevant authority the appropriate prescribed sum.

~~(7) This paragraph~~ (6) Where this regulation applies ~~where~~and the ~~notice~~notification received by the electricity distributor calls for a single-unit fault repair, and the electricity distributor fails to complete fault-rectification works within the prescribed period from the receipt of the notification, the electricity distributor must, except in any of the circumstances described in paragraph (7), pay to the relevant authority the appropriate prescribed sum.

(87) The circumstances described in this paragraph are –

(a) each of the circumstances described in regulation 15; ~~and~~

~~(b) any others?]~~

(b) that the electricity distributor's performance in responding to the fault repair is the subject of a specific bilateral agreement between the electricity distributor and the relevant authority.

Provision of quotations for new works

11. – (1) This regulation applies to an electricity distributor where –

- (a) ~~an authority with responsibility for street lighting or street furniture within the electricity distributor's distribution services area~~ (“a relevant authority”) gives a notice under section 16A(1) of the Act (including a notice modifying any previous notice) requesting the offer of terms for making an unmetered connection;
- (b) the notice relates to a relevant unmetered connection ~~to which the notice relates is to enable a supply — to be provided to no more than 100 units of street lighting or other street furniture~~scheme; and
- (c) the electricity distributor receives from the relevant authority –
 - (i) the information relating to the provision of the connection that is or could reasonably be expected to be within the knowledge of the relevant authority and that the electricity distributor reasonably requires to enable it to provide the quotation; and
 - (ii) payment of any connection offer expenses in accordance with regulations made under section 16A(4A) of the Act.

(2) Where this regulation applies and the electricity distributor fails to dispatch a quotation to the relevant authority within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in ~~regulation 15,~~paragraph (3), pay to the relevant authority the prescribed sum.

Commencement and completion of new works

(3) The circumstances described in this paragraph are –

- (a) each of the circumstances described in regulation 15;
- (b) the existence in relation to the required connection of any matter or event that is contrary to any regulations made under paragraph 1(1A) of Schedule 7 to the Act or to the applicable provisions of any industry code maintained in accordance with the conditions of the electricity distributor's distribution licence and with which the electricity distributor is required to comply; and
- (c) that the notice requesting the offer of terms causes the total number of units of street lighting or other street furniture for which such a notice has been given by the relevant authority to the electricity distributor in the month to exceed 115% of the monthly average for the calendar year last ending prior to the start of that month (where “monthly average” means, in respect of a calendar year, the total number of units of street lighting or other street furniture for which such a notice was given by the relevant authority to the electricity distributor during that calendar year, divided by 12).

Completion of new works

12. – (1) This regulation applies to an electricity distributor where it receives –

- (a) a relevant authority's ~~unqualified~~-written acceptance of a quotation relating to ~~no more than 100 units of street lighting or other street furniture requiring a~~ relevant unmetered connection scheme within the requisite timescale referenced by the electricity distributor in that quotation;
 - (b) payment of any amount due to be paid to the electricity distributor in accordance with the accepted quotation prior to completion of the works;
 - (c) any reasonable security required by the electricity distributor under section 20(1) of the Act;
 - (~~d~~) ~~unqualified~~-written acceptance of any additional terms of connection proposed by the electricity distributor under section 21 of the Act; and
 - (~~e~~) details of the reasonable means by which the relevant authority may be contacted in Great Britain by the electricity distributor during the period 9 am to 5 pm on a normal working day in respect of the quotation.
- (2) Where this regulation applies and a relevant date has been agreed between the electricity distributor and the relevant authority, if –
- (a) the ~~new connection~~-works provided for in the accepted quotation are to be carried out on a new site (being any location other than an adopted highway); and
 - (b) the electricity distributor fails to complete those works by the agreed date, the electricity distributor must, except in any of the circumstances described in paragraph (4) and except to the extent that the works relate (in total with all other works to which this regulation applies) to the connection during a month of a number of street lighting or other street furniture units for which the relevant authority is responsible in excess of the monthly threshold, pay to the relevant authority the prescribed sum.
- (3) Where this regulation applies and a relevant date has been agreed between the electricity distributor and the relevant authority –
- (a) the works provided for in the accepted quotation are to be carried out in an existing adopted highway; and
 - (b) the electricity distributor fails to complete those works within the prescribed period from the applicable date, the electricity distributor must, except in any of the circumstances described in paragraph (4) and except to the extent the works relate (in total with all other works to which this regulation applies) to the connection during a month of a number of street lighting or other street furniture units for which the relevant authority is responsible in excess of the monthly threshold, pay to the relevant authority the prescribed sum.
- (4) The circumstances described in this paragraph are –
- (a) each of the circumstances described in regulation 15;
 - (b) ~~where~~that the works relate to unmetered connections that are managed, or are to be managed, pursuant to a Private Finance Initiative ~~projects; and~~project;
 - (~~e~~) ~~[any others?]~~

(c) the existence in relation to the works in question of any matter or event that is contrary to any regulations made under paragraph 1(1A) of Schedule 7 to the Act or to the provisions of any industry code maintained in accordance with the conditions of the electricity distributor's distribution licence and with which the electricity distributor is required to comply; and

(d) that the electricity distributor's performance in completing the works is the subject of an agreement between the electricity distributor and the relevant authority.

(5) In this regulation, "monthly threshold" means, in respect of a month, 115% of the monthly average for the calendar year last ending prior to the start of that month (where "monthly average" means, in respect of a calendar year, the total number of units of street lighting or other street furniture for which the relevant authority is responsible and in respect of which the electricity distributor completed connection works in that calendar year, divided by 12).

PART IV

Governance and other issues

Disputes

13. – (1) Where a dispute under any provision of these regulations is referred to the Authority for determination under section 39B(1) of the Act, the dispute is to be determined in accordance with the practice and procedure set out in Schedule 2.

Payments

14. – (1) This regulation applies to an electricity distributor where it is obliged to make a payment to a customer or a relevant authority (as appropriate) under any of regulations 4 to 12 (inclusive) and the electricity distributor fails to make the payment to the customer or relevant authority (as appropriate) within the prescribed period from the **applicable payment** date.

(2) Where this regulation applies, the electricity distributor must, except in any of the circumstances described in paragraph (3), pay the prescribed sum to the customer or relevant authority (as appropriate).

(3) The circumstances described in this paragraph are –

- (a) each of the circumstances described in regulation 15;
- (b) that there is a genuine dispute between the electricity distributor and the customer or relevant authority as to whether the electricity distributor is obliged to make the payment; and
- (c) that the electricity distributor does not have, for the customer or relevant authority (as appropriate), a postal address in Great Britain or bank account details to which the payment could be sent, and has made reasonable endeavours to obtain such an address or details.

(4) Nothing in, or done by an electricity distributor in consequence of, these regulations can determine who is beneficially entitled to any payment made in pursuance of these regulations.

(5) Nothing in these regulations permits an electricity distributor to make a payment other than by means of –

(a) a cheque or cash; or

(b) a credit to the account of the customer or relevant authority by way of set off for charges incurred or to be incurred in respect of the provision of any connection to the electricity distributor's distribution system.

(6) Where the electricity distributor makes a payment under these regulations by way of a cheque, that payment ~~shall be~~is deemed to have been made ~~one working on the~~ day ~~after~~that the cheque ~~was~~is posted to the recipient.

Exemptions

15. – (1) The circumstances described in this regulation are those set out in paragraphs (2) to (4) and (6) to (8); ~~:-~~is provided that the circumstances set out in paragraphs (6) to (8) will only apply where the electricity distributor makes reasonable efforts to notify the customer or the relevant authority (as appropriate) of the occurrence of such circumstances as soon as reasonably practicable after their occurrence.

(2) The customer or relevant authority (as appropriate) informs the electricity distributor before the contravention time that he or it does not wish the electricity distributor to take any action, or any further action, in relation to the matter.

(3) The customer or relevant authority (as appropriate) agrees with the electricity distributor that the action taken by the electricity distributor before the contravention time is to be treated as the taking by the electricity distributor of the action required by the regulation (and, where the action taken by the electricity distributor includes a promise to perform any action (whether before or after the contravention time), the electricity distributor duly performs that promise).

(4) Where information or a request is (or is required to be) provided by the customer or relevant authority (as appropriate), and the information is provided to an address or email account or by use of a telephone number other than the address, email account, or telephone number that the electricity distributor has advised the customer or relevant authority is appropriate for the receipt of information of that type or, in the case of information given by telephone for the purpose of regulation 10(2), was given outside such reasonable hours as the electricity distributor has advised the relevant authority are the hours during which the telephone number will be available for the receipt of information of that type.

(5) For the purposes of paragraph (4), the electricity distributor may advise the customer or relevant authority (as appropriate) by publishing the address, the email account, the telephone number, or the hours in such a manner as may be appropriate for the purpose of bringing the advice to the attention of customers or relevant authorities likely to be affected by it.

(6) It was not reasonably practicable for the electricity distributor to take the action required by the regulation before the contravention time as a result of –

- (a) industrial action by employees of the ~~relevant operator~~electricity distributor or its agent;
- (b) the act or default of a person other than an officer, employee, or agent of the electricity distributor, or of a person acting on behalf of an agent of the electricity distributor;
- (c) the inability of the electricity distributor to obtain any necessary access to any premises (which may include its own premises);
- (d) the existence of circumstances by reason of which the electricity distributor could reasonably expect that, if it took the action, it would or would be likely to be in breach of an enactment (including any directions given by the ~~secretary~~Secretary of State under section 96 of the Act);
- (e) the effects of an event for which emergency regulations have been made under Part 2 of the Civil Contingencies Act 2004; or
- (f) any other circumstances of an exceptional nature beyond the ~~reasonable~~ control of the electricity distributor.

(7) The electricity distributor reasonably considers that the information given by the customer or the relevant authority (as appropriate) is frivolous or vexatious.

(8) The electricity distributor reasonably considers that the customer or relevant authority (as appropriate) has committed an offence under paragraph 6 of Schedule 6 to the Act, or under paragraph 11 of Schedule ~~7-7~~to the Act.

(9) In this regulation, “contravention time” means the time at which, if this regulation did not apply, the electricity distributor would become liable to pay the prescribed sum to the customer or relevant authority as appropriate.

Extensions of time

16. – (1) Where one or more of the circumstances referred to in paragraph (1) of regulation 15 or described in paragraph (4) below arises, an agreed date under any of regulations 8(3), 9(5) to 9(11), and 12(2) will be extended by such reasonable period (or to such reasonable date) as the electricity distributor may specify.

(2) Provided the electricity distributor specifies such period or date within a reasonable period of time after the circumstance in question arises, the electricity distributor may specify such period or date before or after the date that would otherwise have been the agreed date.

(3) The period or date so specified will only be effective if the electricity distributor contacts the customer or relevant authority (as appropriate) to communicate the period or date so specified.

(4) The circumstances described in this paragraph are as follows:

- (a) severe weather conditions that either of themselves prevent the electricity distributor from carrying out the requisite work or, being of any of the categories 1, 2 or 3 of severity as defined in the Electricity (Standards of Performance)

Regulations 2010, cause the electricity distributor, acting reasonably, to postpone preplanned works in order to restore supplies to customers as quickly as possible;

- (b) a network system emergency that causes the electricity distributor, acting reasonably, to redirect its resources and thereby prevents it from completing any action required by these regulations;
- (c) an inability to undertake live working on the distribution system because of compliance with safety procedures in circumstances where the electricity distributor would normally expect to undertake such working and where this restriction has a material impact on the timescale for completion of the works;
- (d) delays imposed by a requirement to obtain a permit for street works under the Traffic Management Act 2004;
- (de) delays in obtaining any necessary consents or rights, and/or in acquiring any necessary interest in land, in relation to the location of electric lines and electrical plant needed to provide the connection;
- (ef) that works that are stated in the accepted quotation to be prerequisite to the commencement or completion of the works, and that are not the responsibility of the electricity distributor, have not been completed in the agreed manner or within the time agreed; and
- (fg) that any other matters stated in the accepted quotation to be prerequisite to the commencement or completion of the works, and that are not the responsibility of the electricity distributor, have not been satisfied in the manner or within the time envisaged by the accepted quotation; ~~and~~
- (g) ~~[any others?]~~

Timing of notification

17.- 11(1) For the purposes of regulations 4 to 9 (inclusive), ~~11~~, 11 and 12, where the requirements of paragraph (1) of any of those regulations are satisfied after 4 pm on a working day or at any time on any other day, they are deemed to have been satisfied on the next following working day.

Notice of rights

18.- 11(1) In respect of the rights prescribed for the benefit of customers or relevant authorities (as the case may be) under these regulations, an electricity distributor must prepare and from time to time revise a statement describing those rights and the effect of section 39A(5) of the Act in a form that is standardised with that of other electricity distributors and has a content that the electricity distributor could reasonably expect would be within the understanding of customers or relevant authorities to which the statement relates, and must –

- (a) give a copy of the statement, and of any revision of the statement, to the Authority and to the Council, before it sends it to the electricity suppliers referred to in sub-paragraph (b);
- (b) at least once in any period of 12 months dispatch to each electricity supplier that supplies electricity to premises that are directly connected to the electricity distributor's distribution system ~~for onward transmission to the electricity~~

6(2)-with 6(43)	45 working days	£50 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched	<u>the day on which the quotation is dispatched</u>
6(2)-with 6(54)	35 working days	£100 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched	<u>the day on which the quotation is dispatched</u>
6(2)-with 6(65)	65 working days	£100 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched	<u>the day on which the quotation is dispatched</u>
6(2)-with 6(76)	65 working days	£150 for each working day after the end of the prescribed period up to and including the day on which the quotation is dispatched	<u>the day on which the quotation is dispatched</u>
7(3)	not applicable	£250	<u>the day on which the quotation is found, in accordance with the quotation accuracy scheme, to have been inaccurate or incomplete</u>
7(4)	not applicable	£500	<u>the day on which the quotation is found, in accordance with the quotation accuracy scheme, to have been inaccurate or incomplete</u>
8(2)	7 working days	£10 for each working day after the end of the prescribed period up to and including the day on which contact occurs	<u>the day on which contact occurs</u>
8(3)	the agreed date	£25 for each working day after the agreed date up to and including the day on which the works are completed	<u>the day on which the works are completed</u>
9(2)-with 9(3)	7 working days	£50 for each working day after the end of the prescribed period up to and including the day on which contact occurs	<u>the day on which contact occurs</u>

9(2)-with 9(<u>43</u>)	10 working days	£100 for each working day after the end of the prescribed period up to and including the day on which contact occurs	the day on which contact occurs
9(2)-with 9(<u>54</u>)	15 working days	£150 for each working day after the end of the prescribed period up to and including the day on which contact occurs	the day on which contact occurs
9(<u>65</u>)	the agreed date	£20 for each working day after the agreed date up to and including the day on which the works at the premises are commenced	the day on which the works at the premises are commenced
9(7)-with 9(<u>86</u>)	the agreed date	£100 for each working day after the agreed date up to and including the day on which the works are completed	the day on which the works are completed
9(107) with 9(9)	the agreed date	£150 for each working day after the agreed date up to and including the day on which the works are completed	the day on which the works are completed
9(10)-with 9(<u>108</u>)	the agreed date	£200 for each working day after the agreed date up to and including the day on which the works are completed	the day on which the works are completed
9(10)-with 9(<u>119</u>)	the agreed date	£100 for each working day after the agreed date up to and including the day on which energisation occurs	the day on which energisation occurs
9(10)-with 9(<u>12</u>)	the agreed date	£150 for each working day after the agreed date up to and including the day on which energisation occurs	the day on which energisation occurs

9(10)-with 9(<u>1311</u>)	the agreed date	£200 for each working day after the agreed date up to and including the day on which energisation occurs	the day on which energisation occurs
100 (2)	2 hours	£50	the day on which the fault rectification works are completed
10(3)-with	2 calendar days	£10 for each working day after	the day on which the

10(4)		the end of the prescribed period up to and including the day on which the fault rectification works are completed	<u>fault rectification works are completed</u>
10(3) with 10(54)	10 working days	£10 for each working day after the end of the prescribed period up to and including the day on which the fault rectification works are completed	<u>the day on which the fault rectification works are completed</u>
10(3) with 10(65)	20 working days	£10 for each working day after the end of the prescribed period up to and including the day on which the fault rectification works are completed	<u>the day on which the fault rectification works are completed</u>
10(3) with 10(76)	25 working days	£10 for each working day after the end of the prescribed period up to and including the day on which the fault rectification works are completed	<u>the day on which the fault rectification works are completed</u>
11(2)	25 working days	£10 for each working day after the end of the prescribed period up to and including the day the quotation is dispatched	<u>the day on which the quotation is dispatched</u>
12(2)	the agreed date	£10 for each working day after the agreed date up to and including the day on which the works are completed	<u>the day on which the works are completed</u>
12(3)	35 working days	£10 for each working day after the end of the prescribed period up to and including the day on which the works are completed	<u>the day on which the works are completed</u>
14(1)	10 working days	£50	<u>not applicable</u>

SCHEDULE 2

PRACTICE AND PROCEDURE FOR DETERMINATIONS

1: Determination of disputes

(1) This Schedule applies where a dispute to which regulation 13 applies has arisen under any provision of these Regulations between an electricity distributor and a customer or relevant authority (as applicable).

- (2) A dispute to which this Schedule applies—
- (a) may be referred to the Authority by any party or, with the agreement of any party, by the Council; and
 - (b) on such reference, ~~shall~~is to be determined by order made by the Authority.
- (3) In making an order under this Schedule, the Authority ~~shall~~must include in the order the reasons for reaching its decision with respect to a dispute.

2: Timetable for the determination of individual disputes

- (1) The Authority ~~shall~~must determine a dispute to which this Schedule applies before the end of eighty working days from the date when the dispute was referred to the Authority.
- (2) If the Authority is satisfied that there are good reasons for departing from the requirements of sub-paragraph (1), the period in which a dispute may be determined may be extended with the consent of the referring party or parties.

3: Procedure for the determination of individual disputes

- (1) Where an individual dispute is referred to the Authority, the Authority ~~shall~~must, at the outset, send to the parties a notice of procedure for the determination of individual disputes.
- (2) The notice under sub-paragraph (1) ~~shall—~~must —
- (a) set out a timetable by which each part of the procedure for the determination of individual disputes under this Schedule is to take place; ~~and~~
 - (b) provide a list of any documentation or other evidence that the Authority has received in connection with the dispute and inform the parties that such documentation or other evidence may be disclosed to other parties to the dispute unless it is specifically classed as confidential by the party to whom it belongs before the date expressly stated in the notice;
 - (c) inform the parties of any specific information that the Authority is requesting as part of the written statement prepared in accordance with paragraph 7; and
 - (d) explain the manner in which the Authority intends to publish the determination decision.
- (3) Upon receipt of a notice under sub-paragraph (1), the parties to the dispute ~~shall~~must provide the Authority with—
- (a) the information specified in sub-paragraph (2)(c);
 - (b) any other information that they consider relevant to the dispute.
- (4) If the Authority decides it is necessary to obtain third party advice in relation to technical issues or any other issues that may arise during the determination, it ~~shall request it and~~must inform the parties to the dispute of ~~that~~its request for such advice and

indicate to them in writing how that request will affect the timetable outlined in the notice issued under sub-paragraph (1).

(5) At any time after receiving a written statement the Authority may, if it considers it appropriate to do so, request an oral hearing in accordance with paragraph 9.

(6) If the Authority is satisfied that it has sufficient information to determine a dispute, it ~~shall~~must prepare a draft determination statement containing the submissions of the parties and then send that statement to the parties for comment.

(7) When the Authority has received comments from the parties, and is satisfied that it has sufficient information to make the determination decision, it ~~shall~~must prepare and then issue to the parties a final determination statement.

(8) The parties ~~shall~~must, within one week of receiving a final determination statement, notify the Authority of any issue or information within that statement that should be excluded because such issue or information is of a confidential nature.

(9) The Authority shall, upon receipt of any notification under sub-paragraph (8), make the necessary adjustments to the final determination statement and then publish that statement on its website in accordance with sub-paragraph (2)(d).

4: Determination of multiple disputes

(1) The Authority may, if it considers it appropriate to do so, consolidate into one or more categories (in each case a “consolidated group”) similar or related disputes for the purposes of determining those disputes.

(2) A determination made by the Authority for one or more consolidated groups ~~shall~~must apply, in respect of each consolidated group, to each individual dispute ~~in~~within that group.

5: Timetable for determination of multiple disputes

(1) The Authority, when determining disputes falling within a consolidated group, ~~shall~~must determine those disputes before the end of six months from the date when they were consolidated into that group by the Authority under paragraph 4.

(2) If the Authority is satisfied that there are good reasons for departing from the requirements of sub-paragraph (1), the period in which disputes falling within a consolidated group may be determined may be extended by notice to the representatives of any such group nominated under paragraph 10.

6: Procedure for the determination of multiple disputes

(1) Where the Authority considers it appropriate to consolidate disputes under paragraph 4, ~~the Authority shall~~it must send to the parties a notice of procedure for the determination of those disputes.

(2) The notices under sub-paragraph (1) ~~shall~~must –

(a) set out a timetable by which each part of the procedure for the determination of multiple disputes under this Schedule is to take place;

- (b) provide a list of any documentation or other evidence that the Authority has received in connection with the dispute and inform the parties that such documentation or other evidence may be disclosed to other parties to the dispute unless it is specifically classed as confidential by the party to whom it belongs before the date expressly stated in the notice;
 - (c) inform the parties of any specific information that the Authority is requesting in accordance with paragraph 11; and
 - (d) explain the manner in which the Authority intends to publish the determination decision.
- (3) Upon receipt of a notice under sub-paragraph (1), the parties to the dispute ~~shall~~must provide the Authority with—
 - (a) the information specified in sub-paragraph (2)(c); and
 - (b) any other information that they consider relevant to the dispute.
- (4) Upon receipt of the information provided in accordance with sub-paragraph (3), the Authority may, if it considers it fitting to do so, prepare a list of consolidated groups and then consult as to whether those consolidated groups are appropriate.
- (5) When consulting under sub-paragraph (4), the Authority ~~shall~~must —
 - (a) publish and explain its proposals in a manner which it believes will bring them to the attention of persons most likely to be affected; and
 - (b) invite those persons to comment to the Authority within a period ~~from~~of time specified in the publication of the proposals ~~that is specified therein~~.
- (6) Upon receipt of responses to the consultation under sub-paragraph (5), the Authority ~~shall~~must have regard to those responses before finalising the consolidated groups.
- (7) When the Authority has decided on the consolidated groups for the purpose of determining multiple disputes, it ~~shall~~must appoint customer representatives as required by paragraph 10.
- (8) Following the appointment of the customer representatives for the consolidated groups, those customer representatives and the electricity distributors ~~shall~~must prepare a written statement.
- (9) Upon receipt of the written statements, the Authority may decide that it is necessary to obtain third party advice in relation to technical issues or any other issues that may arise during the determination. If third party advice is requested, then the Authority ~~shall~~must inform the customer representatives and the electricity distributors of that request and indicate in writing how ~~that~~this request will affect the timetable outlined in the notice issued under sub-paragraph (1).
- (10) At any time after receiving the written statement the Authority may request an oral hearing in accordance with paragraph 9.

(11) If the Authority is satisfied that it has the necessary information, it ~~shall~~must prepare a draft determination statement containing the submissions of the customer representatives and the electricity distributors and then send that statement to the customer representatives and the electricity distributors for comment.

(12) When the Authority has received comments from the customer representatives and the electricity distributors, and is satisfied that it has sufficient information to make the determination decision, it ~~shall~~must issue a final determination statement for a consolidated group or for each consolidated group where there is more than one.

(13) The customer representatives and the electricity distributors ~~shall~~must within one week of receiving a final determination statement notify the Authority of any issue or information within that statement that should be excluded because ~~such issue or information~~it is of a confidential nature.

(14) The Authority ~~shall~~must, upon receipt of any notification under sub-paragraph (13), make the necessary adjustments to the final determination statement and then publish that statement on its website in accordance with sub-paragraph (2)(d).

7: Written statements

(1) The Authority may, by notice, ask any party to a dispute to produce a written statement with respect to a matter specified in the notice.

(2) The power to ask for the production of a written statement includes power to specify the time and place at which it is to be produced.

(3) No person is to be compelled under this paragraph to produce a written statement with respect to any matter about which he could not be compelled to give evidence in civil proceedings in the High Court or Court of Session.

(4) The Authority may make copies of a document produced to it under this paragraph.

8: Production of documents and other evidence

(1) The Authority may, by notice, ask a party to a dispute to produce such documentation (including other evidence), in such form and at such time as it directs, as the Authority may reasonably require to enable it to make the determination decision.

(2) The power to ask for the production of a document is a power to ask for its production~~—~~==

(a) at the time and place specified in the notice; and

(b) in a legible form.

(3) No person is to be compelled under this paragraph to produce a document that he could not be compelled to produce in civil proceedings in the High Court or Court of Session.

(4) The Authority may make copies of a document produced to it under this paragraph.

9: Oral hearings

- (1) For the purposes of this Schedule, an oral hearing may be held, and evidence may be heard at such a hearing from any party to a dispute.
- (2) The Authority may, by notice, request any party to a dispute—
 - (a) to attend at a time and place specified in the notice; and
 - (b) at that time and place, to give evidence to any person appointed by the Authority to conduct the oral hearing.
- (3) At any oral hearing, the Authority may request the customer or a person attending the hearing as a representative of the electricity distributor to give evidence or make representations or observations.
- (4) If any party fails to attend a hearing to be subjected to a requirement under sub-paragraph (3), the Authority may determine the dispute without hearing his evidence, representations, or observations.
- (5) No person is to be compelled under this paragraph to give evidence which he could not be compelled to give in civil proceedings in the High Court or Court of Session.

10: Customer representatives for multiple disputes

- (1) Where disputes are consolidated into categories under paragraph 4, the Authority ~~shall~~must nominate one or more customers to be representatives of each consolidated group.
- (2) A customer nominated to be a representative of a consolidated group under this paragraph ~~shall~~is only to become a representative if he consents to do so.

11: Collection of information in multiple disputes

- (1) The Authority may by notice ask any customer or relevant authority (as applicable) who is a party to a dispute falling within a consolidated group to produce such information with respect to a matter specified in the notice as the Authority may reasonably require to enable it to make the determination decision.
- (2) The power to require the production of information under this paragraph includes the power to specify the time and place at which it is to be produced.
- (3) No person is to be compelled under this paragraph to produce information with respect to any matter about which he could not be compelled to give evidence in civil proceedings in the High Court or Court of Session.

12: Payment to customers

- (1) An order determining a dispute ~~shall~~does not (where there is more than one customer at the premises) determine who is beneficially entitled to any payment required to be made by the order.

13: Set-off

(2) Where a dispute is determined by an order requiring an electricity distributor to make a payment to the customer or the relevant authority (as applicable) and the electricity distributor fails to make that payment, the customer may set off the amount so ordered to be paid against any charges that are owed by the customer to the electricity distributor.

14: Costs

(1) An order determining a dispute may include a provision requiring the electricity distributor or the customer or the relevant authority (as applicable) to pay a sum in respect of the costs or expenses incurred by the Authority.

(2) In including in an order under sub-paragraph (1) any such provision as to costs, the Authority ~~shall~~must have regard to the conduct and means of the parties and any other relevant circumstances.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations are made under the power provided for in section 39A of the Electricity Act 1989 in respect of standards of performance in connection with the activities of electricity distributors. They prescribe the sum that an electricity distributor must pay to a customer or relevant authority as appropriate by way of compensation for failure to meet specified standards of performance in respect of the connection services to be provided by electricity distributors. The sum payable differs between standards. The standards do not apply to customers or relevant authorities who are not customers or potential customers of an electricity supplier.

The regulations come into force on [~~1 July 2010~~].

[to be completed when individual regulations are finalised]

Document comparison by Workshare Professional on 17 December 2009 15:47:20

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Description	connsop (2) (2) (B)
Rendering set	standard

Legend:	
Insertion	
Deletion	
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Padding cell	

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