

To: The Company Secretary
[DNO/IDNO Name and Company Name]
[address]
[address]
[address]

**NOTICE UNDER PARAGRAPH 15A.23 OF STANDARD CONDITION 15A
(CONNECTION POLICY AND CONNECTION PERFORMANCE) OF THE
ELECTRICITY DISTRIBUTION LICENCE**

The Gas and Electricity Markets Authority (the "Authority") hereby gives notice as follows pursuant to paragraph 15A.23 of standard condition 15A of the electricity distribution licence granted or treated as granted to [DNO/IDNO] under section 6(1)(c) of the Electricity Act 1989:

1. The Authority proposes to give a direction under paragraph 15A.16 of standard condition 15A.
2. The proposed direction should have effect on and from 1 October 2010.
3. The terms of the proposed direction are set out in the Annex to this Notice.
4. The reasons why the Authority proposes to make the proposed direction is to ensure that with effect from 1 October 2010 there are standards of performance in place in relation to distributed generation connections that are equivalent to the standards of performance prescribed by the Electricity (Connection Standards of Performance) Regulations 2010 in relation to demand connections to which those regulations refer.
5. Any representations or objections to the proposed directions may be made to the Authority on or before 17 September 2010 and sent to:

James Veaney
Senior Manager, Customer & Connections
Ofgem
9 Millbank
London
SW1P 3GE

or by e-mail to james.veaney@ofgem.gov.uk

Dated: 18 August 2010



Rachel Fletcher
Partner, Distribution
Duly authorised by the Authority

Annex to Notice

Draft Direction

To: The Company Secretary
[DNO/IDNO Name and Company Name]
[address]
[address]
[address]

DIRECTION UNDER PARAGRAPH 15A.16 OF STANDARD CONDITION 15A (CONNECTION POLICY AND CONNECTION PERFORMANCE) OF THE ELECTRICITY DISTRIBUTION LICENCE

Whereas:

1. [DNO/IDNO] (the "Licensee") is the holder of an electricity distribution licence (the "Licence") granted or treated as granted under section 6(1)(c) of the Electricity Act 1989 (the "Act").
2. The Gas and Electricity Markets Authority (the "Authority") gave notice in accordance with Part I (Procedure for issuing a DG Standards Direction) of standard condition 15A of the Licence to the Licensee on 18 August 2010 (the "Notice").
3. The Authority has considered all representations made by the Licensee and received no objections to the proposal.
4. In accordance with paragraph 15A.17 of Part H (Scope and contents of a DG Standards Direction) of standard condition 15A of the Licence the Licensee must comply with the requirements of this Direction. In accordance with paragraph 15A.19 the Annex to this Direction contains the following provisions:
 - (a) the specification of the standards of performance that are to apply to distributed generation connections in relation to the matters and activities covered by regulations 4, 6 and 9 of the Electricity (Connection Standards of Performance) Regulations 2010 (the "Connection Regulations") in respect of demand connections;
 - (b) the Licensee's performance of those standards within prescribed periods or by reference to agreed dates that are defined in terms consistent with the definitions given to those terms in the Connection Regulations in respect of demand connections;
 - (c) the exemption from the specified standards of performance in relation to distributed generation connections in the same terms as apply under regulation 15 of the Connection Regulations in respect of demand connections;
 - (d) extensions of time in relation to those standards of performance as they apply to distributed generation connections in the same

terms as apply under regulation 16 of the Connection Regulations in respect of demand connections;

- (e) the resolution of disputes between the Licensee and any distribution generation operators in relation to any of the matters covered by paragraphs (a) to (d); and
 - (f) any other matters in relation to the achievement of standards of performance in relation to distributed generation connections that are consistent with, or incidental to, the fulfilment of the purpose described in paragraph 15A.18 of standard condition 15A.
5. In accordance with paragraph 15A.21 the Authority requires the Licensee to give an undertaking to the Authority by 1 October 2010 as to the circumstances in which, and the levels at which, compensation will be payable to an owner or occupier of any premises in respect of contraventions of the standards of performance imposed by this Direction.

This Direction shall have effect on and from 1 October 2010.

This Direction constitutes notice pursuant to section 49A of the Act.

Dated: [20] September 2010

**Rachel Fletcher
Partner, Distribution**

Duly authorised by the Authority

Annex to Direction

Distributed Generation Standards Conditions

Condition 1. Interpretation

In these Conditions, 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, any date agreed between the electricity distributor and the customer by which the works are to be commenced or completed or the connection energised (as applicable), and includes that date as subsequently varied by agreement between them or revised in accordance with condition 6;
“applicable date”	means, in relation to each occasion on which a condition applies, the day on which that condition 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;
“budget estimate”	means a statement in writing, which may be provided without carrying out 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 generation connection if the customer 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 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: 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 condition 4(1)(e)); and in the case of communication by telephone, where the customer does not answer a telephone call, 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;
“customer”	means an owner or occupier of a premises in Great Britain who is able to export or requires to be able to export electricity from those premises via a direct connection to the distribution system of an electricity

	distributor, and includes a person who is acting on behalf of an owner or occupier of such premises;
“dispatch”	includes transmission by email or other electronic means;
“distribution system”	has the meaning given to it in the standard conditions of electricity distribution licence granted or treated as granted under section 6(1)(c) of the Act;
“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 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;
“electricity distributor”	has the meaning given to it in the standard conditions of electricity distribution licence granted or treated as granted under section 6(1)(c) of the Act;
“electricity supplier”	has the meaning given to it in the standard conditions of electricity distribution licence granted or treated as granted under section 6(1)(c) of the Act;
“energisation”	means the insertion of a fuse or operation of a switch that will allow an electrical current to flow to an electricity distributor’s distribution system from the customer’s installation, when the action in question is required to be carried out by the electricity distributor and is subject 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;
“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 new or modified connection (including, for the purposes of conditions 2 and 3, any modification carried out solely to facilitate an alteration to the position of a meter) the purpose of which is to enable premises to export a supply of electricity to an electricity distributor’s distribution system;
“high voltage”	means a nominal voltage of more than 1,000 volts but not more than 22,000 volts;
“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 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;

“notice”	has the meaning given to it in the standard conditions of electricity distribution licence granted or treated as granted under section 6(1)(c) of the Act;
“premises”	includes any distribution system;
“prescribed period”	means, in relation to any paragraph or sub-paragraph of these Conditions, the period specified in column 2 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; and
“reinforcement works”	means works required on an electricity distributor’s distribution system to accommodate a new or modified connection.

Condition 2. Provision of budget estimates for generation connections

- (1) This condition applies to an electricity distributor where:
 - (a) a customer requests that the electricity distributor provide a budget estimate in respect of a generation 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 generation 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 to make for providing the budget estimate.
- (2) Where this condition applies and the requested capacity of the connection that is the subject of the budget estimate request is less than 1 MVA, the electricity distributor must dispatch a budget estimate to the customer within the prescribed period from the applicable date, except in any of the circumstances described in condition 5.
- (3) Where this condition applies and the requested capacity of the connection that is the subject of the budget estimate request is 1 MVA or more, the electricity distributor must dispatch a budget estimate to the customer within the prescribed period from the applicable date, except in any of the circumstances described in condition 5.
- (4) In providing a budget estimate the electricity distributor must:
 - (a) 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 whether (and, if so, at what likely cost) associated works are likely to be required.

Condition 3. Provision of quotations for generation connections

- (1) This condition 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 generation connection; and
 - (b) the electricity distributor receives from the customer:

- (i) the information relating to the provision of the generation 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 generation connection offer expenses in accordance with regulations made under section 16A(4A) of the Act.
- (2) Where this condition applies and the connection to which the notice relates is an LV generation connection, the electricity distributor must dispatch a quotation to the customer within the prescribed period from the applicable date, except in any of the circumstances described in condition 5.
 - (3) Where this condition applies and the connection to which the notice relates is an HV generation connection, the electricity distributor must dispatch a quotation to the customer within the prescribed period from the applicable date, except in any of the circumstances described in condition 5.
 - (4) Where this condition applies and the connection to which the notice relates is an EHV generation connection, the electricity distributor must dispatch a quotation to the customer within the prescribed period from the applicable date, except in any of the circumstances described in condition 5.
 - (5) For the purposes of this condition, the relevant prescribed period is to be determined on the basis (as applicable) of:
 - (a) the works set out in the quotation dispatched by the electricity distributor; or
 - (b) the electricity distributor's reasonable initial assessment of the works required prior to the dispatch of the quotation.

Condition 4. Post-acceptance scheduling and completion of works, and energisation of generation connections

- (1) This condition applies to an electricity distributor where it receives:
 - (a) a customer's written acceptance of a quotation relating to a generation connection within the requisite timescale specified 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), if applicable, prior to energisation of the connection or connections;
 - (c) any reasonable security required by the electricity distributor under section 20(1) of the Act;
 - (d) 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 9am to 5pm on a working day in respect of the quotation.
- (2) Where this condition applies and the accepted quotation relates to the provision of an LV generation connection, the electricity distributor must, within the prescribed period from

the applicable date, 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 (if applicable) energisation of the connection (in each case as specified in the accepted quotation), except in any of the circumstances described in condition 5.

- (3) Where this condition applies and the accepted quotation relates to the provision of an HV generation connection and the electricity distributor must, within the prescribed period from the applicable date, 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 (if applicable) energisation of the connection (in each case as specified in the accepted quotation), except in any of the circumstances described in condition 5.
- (4) Where this condition applies and the accepted quotation relates to the provision of an EHV generation connection and the electricity distributor must, within the prescribed period from the applicable date, 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 (if applicable) energisation of the connection (in each case as specified in the accepted quotation), except in any of the circumstances described in condition 5.
- (5) Where this condition applies and a relevant date has been agreed between the electricity distributor and the customer, the electricity distributor must 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, except in any of the circumstances described in conditions 5(2), 5(3), 5(7), 5(8) and 6.
- (6) Where this condition applies and a relevant date has been agreed between the electricity distributor and the customer and the accepted quotation relates to the provision of an LV generation connection, the electricity distributor must complete the works (or a phase of the works) provided for in the accepted quotation by the agreed date, except in any of the circumstances described in conditions 5(2), 5(3), 5(7), 5(8) and 6.
- (7) Where this condition applies and a relevant date has been agreed between the electricity distributor and the customer and the accepted quotation relates to the provision of an HV generation connection, the electricity distributor must complete the works (or a phase of the works) provided for in the accepted quotation by the agreed date, except in any of the circumstances described in conditions 5(2), 5(3), 5(7), 5(8) and 6.
- (8) Where this condition applies and a relevant date has been agreed between the electricity distributor and the customer and the accepted quotation relates to the provision of an EHV generation connection, the electricity distributor must complete the works (or a phase of the works) provided for in the accepted quotation by the agreed date, except in any of the circumstances described in conditions 5(2), 5(3), 5(7), 5(8) and 6.
- (9) Where this condition applies and a relevant date has been agreed between the electricity distributor and the customer and the accepted quotation relates to the provision of an LV generation connection, the electricity distributor must energise the connection (or connections) provided for in the accepted quotation by the agreed date, except in any of the circumstances described in conditions 5(2), 5(3), 5(7), 5(8) and 6.
- (10) Where this condition applies and a relevant date has been agreed between the electricity distributor and the customer and the accepted quotation relates to the provision of an HV generation connection, the electricity distributor must energise the connection (or connections) provided for in the accepted quotation by the agreed date, except in any of the circumstances described in conditions 5(2), 5(3), 5(7), 5(8) and 6.
- (11) Where this condition applies and a relevant date has been agreed between the electricity distributor and the customer and the accepted quotation relates to the provision of an EHV generation connection, the electricity distributor must energise the connection (or

connections) provided for in the accepted quotation by the agreed date, except in any of the circumstances described in conditions 5(2), 5(3), 5(7), 5(8) and 6.

Condition 5. Exemptions

- (1) The circumstances described in this condition are those set out in paragraphs (2) to (4) and (6) to (8): 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 of the occurrence of such circumstances as soon as reasonably practicable after their occurrence.
- (2) The customer informs the electricity distributor before the contravention time that he does not wish the electricity distributor to take any action, or any further action, in relation to the matter.
- (3) The customer 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 condition (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 keeps that promise).
- (4) Where information or a request is (or is required to be) provided by the customer and the information is provided to an address or email account or by use of a telephone number other than any address, email account or telephone number that the electricity distributor has advised the customer is appropriate for the receipt of information of that type.
- (5) For the purposes of paragraph (4), the electricity distributor may advise the customer 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 likely to be affected by it.
- (6) It was not reasonably practicable for the electricity distributor to take the action required by the condition before the contravention time as a result of:
 - (a) industrial action by employees of the 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 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;
 - (f) any other circumstances of an exceptional nature beyond the control of the electricity distributor.
- (7) The electricity distributor reasonably considers that the information given by the customer is frivolous or vexatious.
- (8) The electricity distributor reasonably considers that the customer has committed an offence under paragraph 6 of Schedule 6 to the Act, or under paragraph 11 of Schedule 7 to the Act.
- (9) In this condition, “contravention time” means the time at which, if this condition did not apply, the electricity distributor should have fulfilled its obligations under conditions 2, 3 and 4

Condition 6. Extensions of time

- (1) Where one or more of the circumstances referred to in paragraph (6(a) to 6(e)) of condition 5 or described in paragraph (4) below arises, an agreed date under condition 4 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 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 pre-planned 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 the condition;
 - (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 notice and/or permit for street works under the Traffic Management Act 2004;
 - (e) 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;
 - (f) that works that are stated in the accepted quotation to be prerequisite to the commencement, completion or energisation (as appropriate) 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
 - (g) that any other matters stated in the accepted quotation to be prerequisite to the commencement, completion or energisation (as appropriate) 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.

Condition 7. Disputes

- (1) Any dispute under any provision of these Conditions may be referred to the Authority by either party or, with the agreement of either party, by the National Consumer Council established under section 1(1) of the Consumers, Estate Agents and Redress Act 2007 and on such reference shall be determined by the Authority.
- (2) Where a dispute is referred to the Authority for determination under this condition the dispute is to be determined in accordance with the practice and procedure set out in Schedule 2.

Condition 8. Timing of notification

- (1) For the purposes of conditions 2 to 4, where the requirements of paragraph (1) of any of those conditions are satisfied after 5pm 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.

Schedule 1
Prescribed periods

<i>(1)</i> <i>Condition</i>	<i>(2)</i> <i>Prescribed period</i>
2(2)	10 working days
2(3)	20 working days
3(2)	45 working days
3(3)	65 working days
3(4)	65 working days
4(2)	7 working days
4(3)	10 working days
4(4)	15 working days

Schedule 2

Practice and Procedure for Determinations

Determination of disputes

1.—(1) This Schedule applies where a dispute to which condition 7 applies has arisen under any provision of these Conditions between an electricity distributor and a customer.

(1) 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, is to be determined by the Authority.

(3) In making a determination under this Schedule, the Authority must include in the determination the reasons for reaching its decision with respect to a dispute.

Timetable for the determination of individual disputes

2.—(1) The Authority 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.

Procedure for the determination of individual disputes

3.—(1) Where an individual dispute is referred to the Authority, the Authority 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) 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;
- (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 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 must inform the parties to the dispute of 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 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 must prepare and then issue to the parties a final determination statement.

(8) The parties 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).

Determination of multiple disputes

4.—(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 must apply, in respect of each consolidated group, to each individual dispute within that group.

Timetable for determination of multiple disputes

5.—(1) The Authority, when determining disputes falling within a consolidated group, 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.

Procedure for the determination of multiple disputes

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

(2) The notices under sub-paragraph (1) 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 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 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 of time specified in the publication of the proposals.

(6) Upon receipt of responses to the consultation under sub-paragraph (5), the Authority 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 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 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 must inform the customer representatives and the electricity distributors of that request and indicate in writing how 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 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 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 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 it is of a confidential nature.

(14) The Authority 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).

Written statements

7.—(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.

Production of documents and other evidence

8.—(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.

Oral hearings

9.—(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 that he could not be compelled to give in civil proceedings in the High Court or Court of Session.

Customer representatives for multiple disputes

10.—(1) Where disputes are consolidated into categories under paragraph 4, the Authority 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 is only to become a representative if he consents to do so.

Collection of information in multiple disputes

11.—(1) The Authority may by notice ask any customer 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.

Costs

12.—(1) A determination of a dispute may include a provision requiring the electricity distributor or the customer to pay a sum in respect of the costs or expenses incurred by the Authority.

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