

To: All holders of an electricity distribution licence

MODIFICATION OF THE STANDARD CONDITIONS OF THE ELECTRICITY DISTRIBUTION LICENCES UNDER SECTION 11A OF THE ELECTRICITY ACT 1989

NOTICE OF THE REASONS FOR THE DECISION TO MODIFY THE STANDARD CONDITIONS OF THE ELECTRICITY DISTRIBUTION LICENCES UNDER SECTION 49A OF THE ELECTRICITY ACT 1989

Whereas:

1. Each of the companies to whom this modification is addressed holds an electricity distribution licence granted, or treated as granted, pursuant to section 6(1)(c) of the Electricity Act 1989 (the "Act").
2. In accordance with paragraph 11A(3) and (4) of the Act, the Gas and Electricity Markets Authority (the "Authority") gave notice on 17 November 2010 (the "Notice") that it proposes to modify, in the manner as set out in the schedule to the Notice, Standard Condition 13 (Charging Methodologies for Use of System and connection), Standard Condition 13A (Common Distribution Charging Methodology), Standard Condition 22A (Governance and change control arrangements for Relevant Charging Methodologies), Standard Condition 50, Appendix 1, Standard Condition 13A (Development and implementation of a Common Distribution Charging Methodology) and Standard Condition 50A, Appendix 1, Standard Condition 13B (Development and implementation of an EHV Distribution Charging Methodology) of the electricity distribution licences.
3. In summary, the effect of the licence modifications is to change the Authority decision making mechanism for proposed modifications to the:
 - (a) common distribution charging methodology ("CDCM") provided for by Standard Condition 13A of electricity distribution licences, and;
 - (b) EHV distribution charging methodology ("EDCM") provided for by Standard Condition 50A (Appendix 1, Standard Condition 13B) of electricity distribution licences,

so that such modification proposals will not be subject to the 28 day veto process set out in Part D of Standard Condition 13A (for the CDCM) and Part D of Appendix 1 (Standard Condition 13B) of Standard Condition 50A (for the EDCM), by virtue of Standard Condition 22A(14)(a), but would be subject to the DCUSA modification procedure under Standard Condition 22.14(b). We also proposed further consequential or related modifications to the electricity distribution licences that have the following effect:

- Standard Condition 13 is to be amended so that the obligations in Standard Condition 13 are not applicable to the CDCM and EDCM to the extent that the requirements in Standard Condition 13A and Standard Condition 13B (in Appendix 1 of Standard Condition 50A) apply to the CDCM and EDCM;

- amendments to Standard Condition 13A, Standard Condition 50 (Appendix 1, Standard Condition 13A) and Standard Condition 50A (Appendix 1, Standard Condition 13B) reflect that the governance arrangements for the CDCM and EDCM are in the DCUSA;
 - amendments to Standard Condition 22A to set out the persons that can raise modification proposals to the CDCM and EDCM (which is an existing provision in Part D of Standard Condition 13A (for the CDCM) and Part D of Standard Condition 13B in Appendix 1 of Standard Condition 50A (for the EDCM)), to require that modifications to the EDCM and CDCM must be handled in accordance with Part D of Standard Condition 22A and to the effect that the licensee, in conjunction with all other distribution services providers, and in consultation with other authorised electricity operators, must develop arrangements that provide for the licensee to meet with other interested parties to discuss the further development of the CDCM and EDCM which is an existing obligation taken from Standard Condition 50.23 to Standard Condition 50.25 and Standard Condition 50A.25 to 50A.27 as appropriate;
 - amend Standard Condition 22A to insert a transitional provision to capture those proposed modifications to the CDCM that are reported to the Authority before the licence modifications set out in the schedule to this Modification come into effect, therefore under the current 28 day veto process, but where that 28 day veto period has not expired when these licence modifications take effect so that such proposals continue to be determined under the current 28 day veto process.
4. Prior to the close of the consultation period in respect of the Notice, the Authority received seven responses in relation to the proposed modifications. No responses were withdrawn. No notice of objection to the proposed licence modification was given to the Authority within the time specified in the Notice by a relevant licence holder. The Authority has considered the responses made in relation to the proposed licence modifications.
5. Upon considering the responses received, it has come to the Authority's attention that the following minor typographical amendments to the proposed modifications are required:
- in paragraph 13.4(c) of Standard Condition 13 we have replaced the reference to "standard condition 22A.18" with "paragraph 22A.18 of standard condition 22A" to reflect the style of the electricity distribution standard conditions;
 - in paragraph 17 of Standard Condition 22A we have replaced the reference to "part D" with "Part D" also to reflect the style of the electricity distribution standard conditions,
- and, for the avoidance of doubt, these amendments do not amount to a substantive change to the modifications in the schedule to the Notice.
6. In accordance with section 11A(4)(b) of the Act, the Authority gave notice of its intention to modify the above mentioned standard conditions of the electricity distribution licences to the Secretary of State and did not receive a direction from the Secretary of State not to make the modifications.

7. In accordance with section 49A of the Act, the reason for modifying the above mentioned standard conditions of the electricity distribution licences is, in summary, to bring the governance of the CDCM and EDCM in line with the conclusions of the Code Governance Review ("CGR") published on 31 March 2010. Although most of the governance arrangements required by the CGR have been put in place in the Distribution Connection and Use of System Code ("DCUSA") through Distribution Change Proposal 46B¹, the changes to the decision making framework are outstanding. The reasons for making the consequential or related modifications set out in paragraph 3 of this Modification are to update and reflect that the governance arrangements for the CDCM and EDCM are in the DCUSA and, in the case of the transitional provision, to preserve the validity of modification proposals reported to the Authority before these modifications come into effect but where the 28 day veto period has not yet expired when they take effect. Detailed reasons for making the licence modifications are contained in the following:
- (a) Consultation on proposed licence modifications: governance arrangements for electricity distribution use of system charging methodology – 142/10²
 - (b) Proposed licence modifications: governance arrangements for electricity distribution use of system charging methodology – Ofgem Ref: 118/10³.
 - (c) Code Governance Review: Final Proposals - Ofgem Ref: 43/10⁴.
8. Documents referred to in this Modification are available free of charge from the Ofgem Research and Information Centre, 9 Millbank, Westminster, SW1P 3GE (020 7901 7003 or library@ofgem.gov.uk) or from the Ofgem website (www.ofgem.gov.uk). The non confidential responses received are also available from the Ofgem Research and Information Centre or on the Ofgem website.

Therefore:

In accordance with the powers contained in section 11A(1) of the Act, the Authority hereby modifies Standard Condition 13 (Charging Methodologies for Use of System and connection), Standard Condition 13A (Common Distribution Charging Methodology), Standard Condition 22A (Governance and change control arrangements for Relevant Charging Methodologies), Standard Condition 50, Appendix 1, Standard Condition 13A (Development and implementation of a Common Distribution Charging Methodology) and Standard Condition 50A, Appendix 1, Standard Condition 13B (Development and implementation of an EHV Distribution Charging Methodology) of the electricity distribution licences granted, or treated as granted, pursuant to section 6(1)(c) of the Act in the manner set out in the schedule to this Modification, with effect on and from 1 April 2011.

This document also constitutes notice of reasons for the decision to modify the standard conditions of the electricity distribution licences under section 49A of the Act.

¹ <http://www.ofgem.gov.uk/Licensing/ElecCodes/DCUSA/Changes/Documents1/DCP046D.pdf>

² <http://www.ofgem.gov.uk/Pages/MoreInformation.aspx?file=17112010%20-%20DECISION%20LETTER%20FINAL.pdf&refer=Licensing/Work/Notices/ModNotice>

³ [http://www.ofgem.gov.uk/Pages/MoreInformation.aspx?file=100916%20open%20consultation%20letterclean%20\(2\).pdf&refer=Licensing/IndCodes/CGR](http://www.ofgem.gov.uk/Pages/MoreInformation.aspx?file=100916%20open%20consultation%20letterclean%20(2).pdf&refer=Licensing/IndCodes/CGR)

⁴ http://www.ofgem.gov.uk/Pages/MoreInformation.aspx?file=CGR_Finalproposals_310310.pdf&refer=Licensing/IndCodes/CGR

The official seal of the Gas and Electricity Markets Authority here affixed is authenticated by the signature of:



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Mark Cox, Associate Partner, Industry Codes and Licensing

Duly authorised on behalf of the Gas and Electricity Markets Authority

20 December 2010

SCHEDULE

MODIFICATION OF THE STANDARD CONDITIONS OF THE ELECTRICITY DISTRIBUTION LICENCES

Standard Conditions 13, 13A, 22A, 50 (Appendix 1) and 50A (Appendix 1) of electricity distribution licences are modified in the manner set out in this schedule. The insertions are shown underlined and deletions are shown crossed- through.

Condition 13. Charging Methodologies for Use of System and connection

Requirements for Charging Methodology

13.1 The licensee must at all times have in force:

- (a) a Use of System Charging Methodology which the Authority has approved on the basis that it achieves the Relevant Objectives; and
- (b) a Connection Charging Methodology which the Authority has approved on the basis that it achieves the Relevant Objectives

(each, separately, “the Charging Methodology”),

and, except with the consent of the Authority, must comply with the Charging Methodology as modified from time to time in accordance with this condition.

13.2 The licensee must, for the purpose of ensuring that the Charging Methodology continues to achieve the Relevant Objectives:

- (a) review the methodology at least once every year; and
- (b) subject to paragraph 13.4, make such modifications (if any) of the methodology as are necessary for the purpose of better achieving the Relevant Objectives.

The Relevant Objectives

13.3 The Relevant Objectives in relation to the Charging Methodology are:

- (a) that compliance with the methodology facilitates the discharge by the licensee of the obligations imposed on it under the Act and by this licence;
- (b) that compliance with the methodology facilitates competition in the generation and supply of electricity, and does not restrict, distort, or prevent competition in the transmission or distribution of electricity;
- (c) that compliance with the methodology results in charges which reflect, as far as is reasonably practicable (taking account of implementation costs), the costs incurred by the licensee in its Distribution Business; and
- (d) that, so far as is consistent with sub-paragraphs (a), (b), and (c), the methodology, as far as is reasonably practicable, properly takes account of developments in the licensee’s Distribution Business.

Procedure for modifications

13.4 Unless otherwise directed by the Authority under sub-paragraph (b), before making a modification of the Charging Methodology the licensee must:

- (a) give the Authority a report which sets out:
 - (i) the terms proposed for the modification;
 - (ii) how the modification would better achieve the Relevant Objectives; and
 - (iii) a timetable for implementing the modification and the date with effect from which the modification (if made) is to take effect (which must not be a date earlier than the date on which the period referred to in paragraph 13.6 will end); and
 - (b) if the Authority has directed that sub-paragraph (a) should not apply, comply with such other requirements (if any) as the Authority may specify in its direction.
- 13.5 Subject to paragraph 13.6, where the licensee has complied with the requirements of paragraph 13.4 it must, before making the modification:
- (a) revise the relevant statement of the Charging Methodology (or the most recent version of that statement) published in accordance with paragraph 13.13 so that it sets out the changed methodology and specifies the date from which that is to have effect; and
 - (b) give the Authority a copy of the revised statement.
- 13.6 The licensee may not make a modification of the Charging Methodology if, within 28 days of receiving the licensee's report under paragraph 13.4, the Authority has either:
- (a) directed the licensee not to make the modification; or
 - (b) notified the licensee that it intends to consult and then within three months of giving that notification has directed the licensee not to make the modification.
- 13.7 A direction given by the Authority under paragraph 13.6(a) or (b) must include:
- (a) a decision that the licensee's proposed modification would not better achieve the Relevant Objectives; and
 - (b) the Authority's reasons for that decision.

Requirements for reports

- 13.8 The licensee must give or send a copy of any report under paragraph 13.4 or statement under paragraph 13.13 to any person who requests it.
- 13.9 The licensee may make a charge for any report or statement given or sent under paragraph 13.8 but this must not exceed the amount specified in directions issued by the Authority for the purposes of this condition generally, based on its estimate of the licensee's reasonable costs of providing the report or statement.

Approvals process

- 13.10 An approval by the Authority under paragraph 13.1 may only be withheld where the Authority has decided that the Charging Methodology does not achieve the Relevant Objectives and by Notice given to the licensee has set out its reasons for that decision.
- 13.11 Subject to paragraph 13.12, an approval by the Authority under paragraph 13.1 may be granted subject to such conditions as the Authority considers appropriate, having regard, in particular, to:
- (a) the need for any further action to be undertaken by the licensee to ensure that the Charging Methodology would better achieve the Relevant Objectives; and
 - (b) the time by which such action must be completed.
- 13.12 No condition imposed under paragraph 13.11 is effective unless, before granting the relevant approval, the Authority has informed the licensee of its intention to impose the condition in a Notice which:
- (a) sets out the nature and contents of the condition; and
 - (b) specifies a period of at least 28 days within which representations or objections with respect to the condition may be made,
- and has considered any representations or objections duly made by the licensee and not withdrawn.

Publication of Charging Methodology

- 13.13 The licensee must ensure that each Charging Methodology that is in force under this condition is set out in a statement (which must be combined, in the case of the Connection Charging Methodology, with the Connection Charging Statement issued under paragraph 1 of standard condition 14) that is published in such manner as the licensee believes will ensure adequate publicity for it (including on the licensee's Website, if it has one).

Arrangements applying because of other conditions

- 13.14 If the licensee is a Distribution Services Provider:
- (a) standard condition 50 (Development and implementation of a Common Distribution Charging Methodology) applies in relation to certain obligations of the licensee under this condition 13 with effect from 1 July 2009; ~~and~~
 - (b) standard condition 50A (Development and implementation of an EHV Distribution Charging Methodology) applies in relation to certain obligations of the licensee under this condition 13 with effect from 1 October 2009; and
 - ~~(b)(c) subject to paragraph 22A.18 of standard condition 22A, this standard condition 13 does not apply to the extent that standard condition 13A (Common Distribution Charging Methodology) and standard condition 13B (EHV Distribution Charging Methodology) apply.~~
- 13.15 The Authority may, after consulting all Electricity Distributors, make such consequential modifications of this condition 13 and, so far as is relevant, of standard condition 14 (Charges for Use of System and connection) at such time, in such manner, and to such

extent as may be necessary to ensure that, as from 1 April 2010 or 1 April 2011, as the case may be, those provisions properly reflect the effects of the introduction into this licence of standard condition 13A (Common Distribution Charging Methodology) and standard condition 13B (EHV Distribution Charging Methodology).

- 13.16 Modifications made by the Authority under paragraph 13.15 may make different provision for different categories of Electricity Distributor.

Condition 13A. Common Distribution Charging Methodology

Part A: Licensee's obligations

- 13A.1 This condition applies to the licensee on and after 1 April 2010 if the licensee is a Distribution Services Provider.
- 13A.2 The licensee must take all steps within its power to ensure that the Common Distribution Charging Methodology ('the CDCM') in force under this licence at 1 April 2010 continues to be a Charging Methodology for the determination of the licensee's Use of System Charges that is approved by the Authority on the basis that it achieves the Relevant Objectives set out in Part C below.
- 13A.3 The licensee must at all times implement and comply with the CDCM.
- 13A.4 The licensee must, for the purpose of ensuring that the CDCM continues to achieve the Relevant Objectives:
- (a) review the methodology at least once every year; and
 - (b) subject to Part D of ~~this standard~~ condition 22A, make such modifications (if any) of the methodology as are necessary for the purpose of better achieving the Relevant Objectives.

Part B: Charging boundary

- 13A.5 For the purposes of this condition, Designated Properties are:
- (a) from 1 April 2010 to 31 March 2012, premises or Distribution Systems connected to assets on the licensee's Distribution System at a voltage level of less than 22 kilovolts, but excluding any such premises or Distribution Systems in respect of which the Use of System Charges levied by the licensee are calculated on the same basis as those levied in respect of premises or Distribution Systems connected to assets on the licensee's Distribution System at a voltage level of 22 kilovolts or more; and
 - (b) on and after 1 April 2012, premises or Distribution Systems connected to the licensee's Distribution System at a voltage level of less than 22 kilovolts, but excluding premises or Distribution Systems connected directly to substation assets that form part of the licensee's Distribution System at 1 kilovolt or more and less than 22 kilovolts where the primary voltage of the substation is 22 kilovolts or more and the Metering Point is located at the same substation.

Part C: The Relevant Objectives of the CDCM

- 13A.6 The Relevant Objectives that the CDCM must achieve are as follows.
- 13A.7 The first Relevant Objective is that compliance with the CDCM facilitates the discharge by the licensee of the obligations imposed on it under the Act and by this licence.

- 13A.8 The second Relevant Objective is that compliance with the CDCM facilitates competition in the generation and supply of electricity and will not restrict, distort, or prevent competition in the transmission or distribution of electricity or in participation in the operation of an Interconnector.
- 13A.9 The third Relevant Objective is that compliance with the CDCM results in charges which, so far as is reasonably practicable after taking account of implementation costs, reflect the costs incurred, or reasonably expected to be incurred, by the licensee in its Distribution Business.
- 13A.10 The fourth Relevant Objective is that, so far as is consistent with paragraphs 13A.7 to 13A.9, the CDCM, so far as is reasonably practicable, should properly take account of developments in the licensee's Distribution Business.
- 13A.11 For the purposes of this condition, the CDCM achieves the Relevant Objectives if it achieves them in the round, taking one objective with another.

~~Part D: Procedure for modifying the CDCM~~

~~13A.1211 Proposals for modifying the CDCM ('modification proposals') may be raised:~~

- ~~(a) by any Authorised Electricity Operator; or~~
 - ~~(b) by any other person whose interests are materially affected by the CDCM;~~
- ~~and must be handled by the licensee in conjunction with all other Distribution Services Providers and in accordance with the relevant modification arrangements.~~

~~13A.1312 The relevant modification arrangements are the modification arrangements approved by the Authority for the purposes of this condition 13A and in force under this licence at 1 April 2010 by virtue of the provisions of standard condition 50 (Development and implementation of a Common Distribution Charging Methodology), as modified from time to time in such manner as is provided for by those arrangements.~~

~~13A.1413 Unless otherwise directed by the Authority under paragraph 13A.1514, before making a modification to the CDCM the licensee must have a report prepared for submission to the Authority that:~~

- ~~(a) sets out the terms proposed for the modification;~~
- ~~(b) fairly summarises the representations received during the consultation process on the modification proposal;~~
- ~~(c) sets out the conclusions reached by the licensee about the modification proposal in question, including whether, in the licensee's opinion, the modification would better achieve the Relevant Objectives; and~~
- ~~(d) sets out a timetable for implementing the modification and the date with effect from which the modification (if made) is to take effect (which must not be a date earlier than the date on which the period referred to in paragraph 13A.1716 will end)~~

~~13A.1514~~ If the Authority has directed that paragraph 13A.1413 should not apply, the licensee must comply with such other requirements (if any) as the Authority may specify in its direction.

~~13A.1615~~ Subject to paragraph 13A.1716, where the licensee has complied with the requirements of paragraph 13A.1413 the licensee must, before making the modification:

(a) — revise the relevant statement of the CDCM (or the most recent version of that statement) published in accordance with paragraph 13A.1817 so that it sets out the changed methodology and specifies the date from which that is to have effect; and

(b) — give the Authority a copy of the revised statement.

~~13A.1716~~ The licensee must make the modification of the CDCM unless, within 28 days of receiving the licensee's report under paragraph 13A.1413, the Authority, having regard to its principal objective and duties under the Act, has either:

(a) — directed the licensee not to make the modification; or

(b) — notified the licensee that it intends to consult and then within three months of giving that notification has directed the licensee not to make the modification.

Part DE: Public availability of the CDCM

13A.128 The licensee must ensure that a copy of the CDCM that is in force under this condition, as from time to time modified, is publicly available on the licensee's Website and is otherwise available to any person who requests it upon payment of an amount not exceeding the reasonable costs of making and supplying that copy.

Part FE: Derogations

13A.193 The Authority may (after consulting the licensee and, where appropriate, any other Authorised Electricity Operator likely to be materially affected) give a direction ('a derogation') to the licensee that relieves it of its obligations under Part A of this condition in respect of such elements of the CDCM, to such extent, for such period of time, and subject to such conditions as may be specified in the direction.

Condition 22A. Governance and change control arrangements for Relevant Charging Methodologies

Part A: Application and purpose

22A.1 This condition;

- (a) has effect on and after 1 October 2009;
- (b) supplements standard condition 22 (Distribution Connection and Use of System Agreement) ('the DCUSA'); and
- (c) applies for the following purposes.

22A.2 The first purpose is to ensure that, with effect from the relevant incorporation date, and subject to paragraph 22A.3 in respect of modification arrangements, each of the following Charging Methodologies of the Distribution Services Providers is incorporated into the DCUSA as if it were one of the matters that is required to be included in the DCUSA by virtue of the provisions of standard condition 22:

- (a) the Common Distribution Charging Methodology ('CDCM') in force under standard condition 13A (Common Distribution Charging Methodology), for which the incorporation date is 1 April 2010; and
- (b) the EHV Distribution Charging Methodology ('EDCM') in force under standard condition 13B (EHV Distribution Charging Methodology), for which the incorporation date is 1 April 2012.

22A.3 The second purpose is to provide:

- (a) for all modification proposals relating to the Charging Methodologies, after their incorporation into the DCUSA, to be subject to a restriction in their purpose and effect in the period of time up to 1 April 2015; and
- (b) for modifications of the Charging Methodologies following incorporation into the DCUSA to be made in each case by reference to the Applicable Charging Methodology Objectives specified in Part B of this condition 22A, rather than the Applicable DCUSA Objectives specified in standard condition 22 that would otherwise apply.

22A.4 A Charging Methodology (whether the CDCM or the EDCM) that is to be or has been incorporated into the DCUSA under this condition is a Relevant Charging Methodology for all the purposes of this condition.

Part B: The Applicable Charging Methodology Objectives

22A.5 The Applicable Charging Methodology Objectives, in relation to any Relevant Charging Methodology, are as follows.

22A.6 The first Applicable Charging Methodology Objective is that compliance with the Relevant Charging Methodology facilitates the discharge by a Distribution Services Provider of the obligations imposed on it under the Act and by this licence.

- 22A.7 The second Applicable Charging Methodology Objective is that compliance with the Relevant Charging Methodology facilitates competition in the generation and supply of electricity and will not restrict, distort, or prevent competition in the transmission or distribution of electricity or in the participation in the operation of an Interconnector.
- 22A.8 The third Applicable Charging Methodology Objective is that compliance with the Relevant Charging Methodology results in charges that, so far as is reasonably practicable after taking account of implementation costs, reflect the costs incurred, or reasonably expected to be incurred, by a Distribution Services Provider in its Distribution Business.
- 22A.9 The fourth Applicable Charging Methodology Objective is that, so far as is consistent with the first three Applicable Charging Methodology Objectives, the Relevant Charging Methodology, so far as is reasonably practicable, properly takes account of developments in a Distribution Services Provider's Distribution Business.
- 22A.10 A Relevant Charging Methodology achieves the Applicable Charging Methodology Objectives if it achieves them in the round, taking one objective with another, and having due regard to any particular implications for the determination of Use of System Charges under any other Relevant Charging Methodology.

Part C: Licensee's obligations under this condition

22A.11 The licensee must take all appropriate steps within its power to ensure that such modifications of the DCUSA as are required for the purpose of incorporation a Relevant Charging Methodology into the DCUSA are made in sufficient time to ensure that the methodology is incorporated into the DCUSA with full and complete effect from its incorporation date.

22A.12 The licensee, in conjunction with all other Distribution Services Providers, and in consultation with other Authorised Electricity Operators, must develop arrangements that provide for the licensee to meet periodically with other Distribution Services Providers, other Authorised Electricity Operators, and any other persons whose interests are materially affected by a Relevant Charging Methodology for the purpose of discussing the further development of a Relevant Charging Methodology.

Part D: Governance and change control arrangements

22A.1~~32~~ This part applies for the purpose of enabling a Relevant Charging Methodology to be modified under the DCUSA on and after its incorporation date.

22A.1~~34~~ All of the arrangements for which the DCUSA makes provision under standard condition 22 in relation to the governance, administration, and modification of the DCUSA are to apply equally to the Relevant Charging Methodology with effect from its incorporation date, subject to paragraph 22A.1~~54~~.

22A.1~~45~~ Those arrangements must ensure:

- (a) that the requirements set out in paragraph 22A.17 and paragraph 22A.18 and paragraph 22A.18 below of Part C of each of standard conditions 13A and 13B in

relation to the modification procedures applicable to a Relevant Charging Methodology are satisfied;

- (b) that the Authority is able at any time before 1 April 2015 to veto any modification proposal under the DCUSA that appears to the Authority to have its purpose or effect the full or substantial substitution of one Relevant Charging Methodology for another Relevant Charging Methodology; and
- (c) subject to sub-paragraph (b), that every modification proposal raised under the DCUSA in relation to a Relevant Charging Methodology and any modification of the methodology that may arise from such a proposal will be assessed by reference to the Applicable Charging Methodology Objectives specified in the condition 22A, and not the Applicable DCUSA Objectives specified in standard condition 22.

22A.156 Every modification proposal raised under the DCUSA in relation to a Relevant Charging Methodology and any modification of the methodology that may arise from such a proposal must have as its aim the better achievement of the Applicable Charging Methodology Objectives.

22A.167 Proposals for modifying a Relevant Charging Methodology ('a modification proposal') may be raised by:

(a) any Authorised Electricity Operator; or

(b) any other person whose interests are materially affected by the Relevant Charging Methodology,

and must be handled by the licensee in conjunction with all other Distribution Services Providers and in accordance with Part D of this condition.

22A.178 Unless the Authority directs otherwise, where a report in respect of any proposal for modification of the CDCM is submitted to the Authority, in accordance with Part D of standard condition 13A (Common Distribution Charging Methodology) in force at 31 March 2011, before 1 April 2011 the licensee must make the modification of the CDCM unless, within 28 days of receiving that report, the Authority, having regard to its principal objective and duties under the Act, has either:

(a) directed the licensee not to make the modification; or

(b) notified the licensee that it intends to consult and then within three months of giving that notification directed the licensee not to make the modification.

Condition 50. Development and implementation of a Common Distribution Charging Methodology

Introduction

- 50.1 This condition applies on and after 1 July 2009 for the following purposes.
- 50.2 The first purpose is to ensure that a Common Distribution Charging Methodology ('the CDCM') is developed and brought into force by the licensee in conjunction with all other Distribution Services Providers on 1 April 2010 ('the Implementation Date') in accordance with the provisions of this condition.
- 50.3 The second purpose is to provide for the introduction into this licence with effect from the Implementation Date of a transparent compliance and change control framework for the CDCM.

Part A: Relief from requirements of standard condition 13

- 50.4 While this condition is in force in this licence, and except where the Authority directs otherwise, such provisions of standard condition 13 (Charging Methodologies for Use of System and connection) as relate to the licensee's duty to review its Use of System Charging Methodology at least once a year, with a view to modifying it for the purpose of better achieving the Relevant Objectives of that condition, do not have effect in relation to such parts of that Use of System Charging Methodology as are to be superseded by the CDCM on 1 April 2010.

Part B: Common Distribution Charging Methodology

- 50.5 The CDCM is a Charging Methodology that:
- (a) applies for the purpose of ensuring that the Use of System Charges levied in respect of Designated Properties (see paragraph 50.10) by Distribution Services Providers are determined on a common basis, so far as is reasonably practicable; and
 - (b) is approved by the Authority, having regard to its principal objective and duties under the Act, on the basis that it achieves the Relevant Objectives set out below.
- 50.6 The first Relevant Objective is that compliance with the CDCM facilitates the discharge by the licensee of the obligations imposed on it under the Act and by this licence.
- 50.7 The second Relevant Objective is that compliance with the CDCM facilitates competition in the generation and supply of electricity and will not restrict, distort, or prevent competition in the transmission or distribution of electricity or in participation in the operation of an Interconnector.
- 50.8 The third Relevant Objective is that compliance with the CDCM results in charges which, so far as is reasonably practicable after taking account of implementation costs, reflect the costs incurred, or reasonably expected to be incurred, by the licensee in its Distribution Business.

- 50.9 The fourth Relevant Objective is that, so far as is consistent with paragraphs 50.6 to 50.8, the CDCM, so far as is reasonably practicable, properly takes account of developments in the licensee's Distribution Business.
- 50.10 For the purposes of this condition, Designated Properties are:
- (a) from 1 April 2010 to 31 March 2012, premises or Distribution Systems connected to assets on the licensee's Distribution System at a voltage level of less than 22 kilovolts, but excluding any such premises or Distribution Systems in respect of which the Use of System Charges levied by the licensee are calculated on the same basis as those levied in respect of premises or Distribution Systems connected to assets on the licensee's Distribution System at a voltage level of 22 kilovolts or more; and
 - (b) on and after 1 April 2012, premises or Distribution Systems connected to the licensee's Distribution System at a voltage level of less than 22 kilovolts, but excluding premises or Distribution Systems connected directly to substation assets that form part of the licensee's Distribution System at 1 kilovolt or more and less than 22 kilovolts where the primary voltage of the substation is 22 kilovolts or more and the Metering Point is located at the same substation.

Part C: Developing a Common Distribution Charging Methodology

- 50.11 The licensee must develop the CDCM in compliance with the following requirements.
- 50.12 The first requirement is that the CDCM must be developed by the licensee in conjunction with every other Distribution Services Provider.
- 50.13 The second requirement is that the CDCM must be able to be given effect by the licensee by not later than the Implementation Date.
- 50.14 The third requirement is that the CDCM must conform to such requirements as have been specified by the Authority for the purposes of this condition in a decision given on 1 October 2008, as subsequently clarified and amended by the Authority on 20 March 2009, with respect to the fundamental principles and assumptions on which the development of the CDCM is to be based.
- 50.15 The fourth requirement is that the CDCM must be submitted by not later than 1 September 2009 for approval by the Authority.
- 50.16 The fifth requirement is that a full set of illustrative Use of System Charges for the Regulatory Year 2009/10 which would have resulted from the licensee's compliance with the CDCM if it had been in force under this licence at 1 April 2009 must be submitted to the Authority by not later than 1 September 2009.
- 50.17 The sixth requirement is that during the development of the CDCM and before submitting it to the Authority in accordance with the fourth requirement, the licensee must have taken all reasonable steps (including, where appropriate, approaching the Authority to discuss how the licensee proposes to address any unforeseen charging implications of the CDCM) to ensure that the CDCM in the form in which it is being

developed will be capable of being approved by the Authority in accordance with the requirements of Part B of this condition.

Part D: Approving a Common Distribution Charging Methodology

50.18 Where the Authority, having regard to its principal objective and duties under the Act, is satisfied with the CDCM developed in accordance with the provisions of Part B and Part C of this condition, it may approve the CDCM in a direction given for the purposes of this condition generally that:

- (a) sets out the Authority's reasons for approving it; and
- (b) specifies the date (being not later than 31 December 2009 unless otherwise directed by the Authority) on which it proposes that the approval should have effect.

50.19 Subject to paragraph 50.20, an approval by the Authority under paragraph 50.18 may be granted subject to such conditions as the Authority considers appropriate, having regard, in particular, to:

- (a) the need for any further action to be undertaken by the licensee to ensure that the CDCM would better achieve the Relevant Objectives; and
- (b) the time by which such action must be completed.

50.20 No condition imposed under paragraph 50.19 is effective unless, before granting the relevant approval, the Authority has informed the licensee of its intention to impose the condition in a Notice which:

- (a) sets out the nature and contents of the condition; and
- (b) specifies a period of at least 28 days within which representations or objections with respect to the condition may be made,

and has considered any representations or objections that are duly made by the licensee and not withdrawn.

50.21 Except that the Authority may not bring forward the dates specified in Parts D, E, F, G and Appendix 1 of this condition, the Authority may direct that such deadlines as are specified in those Parts or that Appendix may be amended as the Authority considers necessary for the purpose of meeting its wider public law duties or having regard to its principal objective and duties under the Act.

Part E: Implementing a Common Distribution Charging Methodology

50.22 Where the Authority has approved the CDCM under Part D of this condition, the licensee must, with effect from the Implementation Date:

- (a) revoke such parts of its Use of System Charging Methodology used for the calculation of Use of System Charges levied in respect of Designated Properties as are contained within that methodology in the form in which it is in force under standard condition 13 at 31 March 2010; and
- (b) implement the CDCM in the form in which it has been approved by the Authority.

Part F: Arrangements for handling modification proposals

- 50.23 The licensee, in conjunction with all other Distribution Services Providers, and in consultation with other Authorised Electricity Operators, must develop arrangements for handling modification proposals in relation to the CDCM ('modification arrangements') and submit them for approval to the Authority by not later than 1 September 2009.
- 50.24 The modification arrangements must include provision for the following core features.
- 50.25 The first core feature is that the arrangements must provide for the licensee to meet periodically with other Distribution Services Providers, other Authorised Electricity Operators, and any other persons whose interests are materially affected by the CDCM for the purpose of discussing the further development of the CDCM.
- 50.26 The second core feature is that the arrangements must provide for a timely and efficient process by which the licensee can:
- (a) formally receive modification proposals from any Authorised Electricity Operator or any other person whose interests are materially affected by the CDCM;
 - (b) consult on the merits of those proposals with other Distribution Services Providers, other Authorised Electricity Operators, and any other persons whose interests are materially affected by the CDCM; and
 - (c) evaluate those proposals in the light of that consultation.
- 50.27 The third core feature is that the arrangements must provide for the licensee to have a report on any modification proposal prepared in a timely and efficient manner for submission to the Authority that:
- (a) sets out the terms proposed for the modification;
 - (b) fairly summarises the representations received during the consultation process under paragraph 50.26;
 - (c) sets out the conclusions reached by the licensee and other Distribution Services Providers about the modification proposal in question, including whether, in their opinion, the modification would better achieve the Relevant Objectives; and
 - (d) sets out a timetable for implementing the modification, if it were to be made, and the date with effect from which the modification (if made) would take effect.
- 50.28 The fourth core feature is that the arrangements must provide for the review and future modification (where appropriate) of the modification arrangements.

Part G: Approval of arrangements for handling modifications

- 50.29 Where the Authority, having regard to its principal objective and duties under the Act, is satisfied that the modification arrangements submitted under paragraph 50.23 comply with the features set out in paragraphs 50.25 to 50.28, it may approve those arrangements as the modification arrangements approved by the Authority for the

purposes of standard condition 13A (Common Distribution Charging Methodology) in a direction given for the purposes of this condition 50 generally that:

- (a) describes (or provides for access to a description of) the nature of the modification arrangements;
- (b) sets out the Authority's reasons for approving the arrangements; and
- (c) specifies the date on which it proposes that the approval should have effect.

50.30 Subject to paragraph 50.31, an approval by the Authority under paragraph 50.29 may be granted subject to such conditions as the Authority considers appropriate, having regard, in particular, to:

- (a) the need for any further action to be undertaken by the licensee to ensure that the modification arrangements would better meet the features set out in paragraphs 50.25 to 50.28 of this condition; and
- (b) the time by which such action must be completed.

50.31 No condition imposed under paragraph 50.30 is effective unless, before granting the relevant approval, the Authority has informed the licensee of its intention to impose the condition in a Notice which:

- (a) sets out the nature and contents of the condition; and
- (b) specifies a period of at least 28 days within which representations or objections with respect to the condition may be made,

and has considered any representations or objections that are duly made by the licensee and not withdrawn.

Part H: Compliance and change control framework

50.32 Where the Authority has approved the CDCM under Part D of this condition, this Part H applies on the Implementation Date for the purpose of modifying the standard conditions of this licence with effect from that date in accordance with paragraph 50.33 below.

50.33 The modification referred to in paragraph 50.32 is that standard condition 13A in the form set out at Appendix 1 (which is part of this condition 50) comes into force in this licence on the Implementation Date.

Part I: Interpretation and termination

50.34 For the purposes of this condition, the CDCM achieves the Relevant Objectives if it achieves them in the round, taking one objective with another.

50.35 Unless and to the extent otherwise directed by the Authority, this condition is of no further effect in this licence after the Implementation Date.

Part J: Derogations

- 50.36 The Authority may (after consulting the licensee and, where appropriate, any other Authorised Electricity Operator likely to be materially affected) give a direction ('a derogation') to the licensee that relieves it of its obligations under Part C of this condition in respect of such elements of the CDCM, to such extent, for such period of time, and subject to such conditions as may be specified in the direction.
- 50.37 Appendix 1 follows immediately below.

APPENDIX 1

Condition 13A. Common Distribution Charging Methodology

Part A: Licensee's obligations

- 13A.1 This condition applies to the licensee on and after 1 April 2010 if the licensee is a Distribution Services Provider.
- 13A.2 The licensee must take all steps within its power to ensure that the Common Distribution Charging Methodology ('the CDCM') in force under this licence at 1 April 2010 continues to be a Charging Methodology for the determination of the licensee's Use of System Charges that is approved by the Authority on the basis that it achieves the Relevant Objectives set out in Part C below.
- 13A.3 The licensee must at all times implement and comply with the CDCM.
- 13A.4 The licensee must, for the purpose of ensuring that the CDCM continues to achieve the Relevant Objectives:
- (a) review the methodology at least once every year; and
 - (b) subject to Part D of ~~standard this~~ condition 22A, make such modifications (if any) of the methodology as are necessary for the purpose of better achieving the Relevant Objectives.

Part B: Charging boundary

- 13A.5 For the purposes of this condition, Designated Properties are:
- (a) from 1 April 2010 to 31 March 2012, premises or Distribution Systems connected to assets on the licensee's Distribution System at a voltage level of less than 22 kilovolts, but excluding any such premises or Distribution Systems in respect of which the Use of System Charges levied by the licensee are calculated on the same basis as those levied in respect of premises or Distribution Systems connected to assets on the licensee's Distribution System at a voltage level of 22 kilovolts or more; and
 - (b) on and after 1 April 2012, premises or Distribution Systems connected to the licensee's Distribution System at a voltage level of less than 22 kilovolts, but excluding premises or Distribution Systems connected directly to substation assets that form part of the licensee's Distribution System at 1 kilovolt or more and less than 22 kilovolts where the primary voltage of the substation is 22 kilovolts or more and the Metering Point is located at the same substation.

Part C: The Relevant Objectives of the CDCM

- 13A.6 The Relevant Objectives that the CDCM must achieve are as follows.
- 13A.7 The first Relevant Objective is that compliance with the CDCM facilitates the discharge by the licensee of the obligations imposed on it under the Act and by this licence.

- 13A.8 The second Relevant Objective is that compliance with the CDCM facilitates competition in the generation and supply of electricity and will not restrict, distort, or prevent competition in the transmission or distribution of electricity or in participation in the operation of an Interconnector.
- 13A.9 The third Relevant Objective is that compliance with the CDCM results in charges which, so far as is reasonably practicable after taking account of implementation costs, reflect the costs incurred, or reasonably expected to be incurred, by the licensee in its Distribution Business.
- 13A.10 The fourth Relevant Objective is that, so far as is consistent with paragraphs 13A.7 to 13A.9, the CDCM, so far as is reasonably practicable, should properly take account of developments in the licensee's Distribution Business.
- 13A.11 For the purposes of this condition, the CDCM achieves the Relevant Objectives if it achieves them in the round, taking one objective with another.

Part D: Procedure for modifying the CDCM

~~13A.1211 Proposals for modifying the CDCM ('modification proposals') may be raised:~~

- ~~(a) by any Authorised Electricity Operator; or~~
 - ~~(b) by any other person whose interests are materially affected by the CDCM,~~
- ~~and must be handled by the licensee in conjunction with all other Distribution Services Providers and in accordance with the relevant modification arrangements.~~

~~13A.1312 The relevant modification arrangements are the modification arrangements approved by the Authority for the purposes of this condition 13A and in force under this licence at 1 April 2010 by virtue of the provisions of standard condition 50 (Development and implementation of a Common Distribution Charging Methodology), as modified from time to time in such manner as is provided for by those arrangements.~~

~~13A.1413 Unless otherwise directed by the Authority under paragraph 13A.1514, before making a modification to the CDCM the licensee must have a report prepared for submission to the Authority that:~~

- ~~(a) sets out the terms proposed for the modification;~~
- ~~(b) fairly summarises the representations received during the consultation process on the modification proposal;~~
- ~~(c) sets out the conclusions reached by the licensee about the modification proposal in question, including whether, in the licensee's opinion, the modification would better achieve the Relevant Objectives; and~~
- ~~(d) sets out a timetable for implementing the modification and the date with effect from which the modification (if made) is to take effect (which must not be a date earlier than the date on which the period referred to in paragraph 13A.1716 will end).~~

~~13A.1514~~ If the Authority has directed that paragraph 13A.1413 should not apply, the licensee must comply with such other requirements (if any) as the Authority may specify in its direction.

~~13A.1615~~ Subject to paragraph 13A.1716, where the licensee has complied with the requirements of paragraph 13A.1413 the licensee must, before making the modification:

~~(a) — revise the relevant statement of the CDCM (or the most recent version of that statement) published in accordance with paragraph 13A.1817 so that it sets out the changed methodology and specifies the date from which that is to have effect; and~~

~~(b) — give the Authority a copy of the revised statement.~~

~~13A.1716~~ The licensee must make the modification of the CDCM unless, within 28 days of receiving the licensee's report under paragraph 13A.1413, the Authority, having regard to its principal objective and duties under the Act, has either:

~~(a) — directed the licensee not to make the modification; or~~

~~(b) — notified the licensee that it intends to consult and then within three months of giving that notification has directed the licensee not to make the modification.~~

Part ED: Public availability of the CDCM

13A.182 The licensee must ensure that a copy of the CDCM that is in force under this condition, as from time to time modified, is publicly available on the licensee's Website and is otherwise available to any person who requests it upon payment of an amount not exceeding the reasonable costs of making and supplying that copy.

Part EF: Derogations

13A.193 The Authority may (after consulting the licensee and, where appropriate, any other Authorised Electricity Operator likely to be materially affected) give a direction ('a derogation') to the licensee that relieves it of its obligations under Part A of this condition in respect of such elements of the CDCM, to such extent, for such period of time, and subject to such conditions as may be specified in the direction.

Condition 50A. Development and implementation of an EHV Distribution Charging Methodology

Introduction

- 50A.1 This condition applies on and after 1 October 2009 for the following purposes.
- 50A.2 The first purpose is to ensure that an EHV Distribution Charging Methodology ('the EDCM') that conforms to one of the descriptions set out at paragraph 50A.12 is developed and brought into force by the licensee in conjunction with every Associated Licensee (see paragraph 50A.4) on 1 April 2012 ('the Implementation Date') in accordance with the provisions of this condition.
- 50A.3 The second purpose is to provide for the introduction into this licence with effect from the Implementation Date of a transparent compliance and change control framework for the EDCM.
- 50A.4 For the purposes of this condition, an Associated Licensee, in relation to the licensee, is a Distribution Services Provider that has chosen to develop and bring into force an EDCM that is of the same description, within the meaning of paragraph 50A.12, as the licensee's EDCM.

Part A: Relief from requirements of standard condition 13

- 50A.5 While this condition is in force in this licence, and except where the Authority directs otherwise, such provisions of standard condition 13 (Charging Methodologies for Use of System and connection) as relate to the licensee's duty to review its Use of System Charging Methodology at least once a year, with a view to modifying it for the purpose of better achieving the Relevant Objectives of that condition, do not have effect in relation to such parts of that Use of System Charging Methodology as are to be superseded by the EDCM on 1 April 2012.

Part B: Licensee's EHV Distribution Charging Methodology

- 50A.6 The licensee's EDCM is a Charging Methodology that:
- (a) applies for the purpose of ensuring that the Use of System Charges levied by the licensee in respect of Designated EHV Properties (see paragraph 50A.11) are determined by the licensee and every Associated Licensee on a common basis, so far as is reasonably practicable; and
 - (b) is approved by the Authority, having regard to its principal objective and duties under the Act, on the basis that it achieves the Relevant Objectives set out below.
- 50A.7 The first Relevant Objective is that compliance with the EDCM facilitates the discharge by the licensee of the obligations imposed on it under the Act and by this licence.
- 50A.8 The second Relevant Objective is that compliance with the EDCM facilitates competition in the generation and supply of electricity and will not restrict, distort, or prevent competition in the transmission or distribution of electricity or in participation in the operation of an Interconnector.

- 50A.9 The third Relevant Objective is that compliance with the EDCM results in charges which, so far as is reasonably practicable after taking account of implementation costs, reflect the costs incurred, or reasonably expected to be incurred, by the licensee in its Distribution Business.
- 50A.10 The fourth Relevant Objective is that, so far as is consistent with the first three Relevant Objectives, the EDCM, so far as is reasonably practicable, properly takes account of developments in the licensee's Distribution Business.
- 50A.11 For the purposes of this condition, Designated EHV Properties are any of the following:
- (a) Distribution Systems connected to the licensee's Distribution System at 22 kilovolts or more;
 - (b) premises connected to the licensee's Distribution System at 22 kilovolts or more;
 - (c) Distribution Systems connected directly to substation assets that form part of the licensee's Distribution System at 1 kilovolt or more and less than 22 kilovolts where the primary voltage of the substation is 22 kilovolts or more and where the Metering Point is located at the same substation; and
 - (d) premises connected directly to substation assets that form part of the licensee's Distribution System at 1 kilovolt or more and less than 22 kilovolts where the primary voltage of the substation is 22 kilovolts or more and where the Metering Point is located at the same substation.

Part C: Developing an EHV Distribution Charging Methodology

- 50A.12 The licensee must choose and develop an EDCM that conforms to such principles and assumptions as have been specified by the Authority for the purposes of this condition under one of the following two descriptions:
- (a) the methodology described as the long run incremental cost methodology, as detailed in a decision of the Authority dated 31 July 2009; or
 - (b) the methodology described as the forward cost pricing methodology, as detailed in a decision of the Authority dated 31 July 2009.
- 50A.13 If the Authority considers it necessary for the purposes of this condition to materially vary any of the principles and assumptions referred to in paragraph 50A.12, it may do so at any time before the Implementation Date in a direction given to the relevant Associated Licensees following consultation with them.
- 50A.14 The licensee must develop its chosen EDCM in compliance with the following requirements.
- 50A.15 The first requirement is that the EDCM must be developed by the licensee in conjunction with every Associated Licensee.
- 50A.16 The second requirement is that the EDCM must be able to be given effect by the licensee by not later than the Implementation Date.

- 50A.17 The third requirement is that the EDCM must be submitted by not later than 1 April 2011 for approval by the Authority in accordance with the direction issued by the Authority pursuant to Part J of this condition on 30 September 2010.
- 50A.18 The fourth requirement is that a full set of illustrative Use of System Charges for the Regulatory Year 2011/12 which would have resulted from the licensee's compliance with the EDCM if it had been in force under this licence at 1 April 2010 must be submitted to the Authority by not later than 1 April 2011 in accordance with the direction issued by the Authority pursuant to Part J of this condition on 30 September 2010.
- 50A.19 The fifth requirement is that during the development of the EDCM and before submitting it to the Authority in accordance with the third requirement, the licensee must have taken all reasonable steps (including, where appropriate, approaching the Authority to discuss how the licensee proposes to address any unforeseen charging implications of the EDCM) to ensure that the EDCM in the form in which it is being developed will be capable of being approved by the Authority in accordance with the requirements of Part B of this condition.

Part D: Approving an EHV Distribution Charging Methodology

- 50A.20 Where the Authority, having regard to its principal objective and duties under the Act, is satisfied with the EDCM developed in accordance with the provisions of Parts B and C of this condition, it may approve the EDCM in a direction given for the purposes of this condition generally that:
- (a) sets out the Authority's reasons for approving it; and
 - (b) specifies the date (which must not be later than 31 December 2011 unless otherwise directed by the Authority) on which it proposes that the approval should have effect.
- 50A.21 Subject to paragraph 50A.22, approval by the Authority under paragraph 50A.20 may be granted subject to such conditions as the Authority considers appropriate, having regard, in particular, to:
- (a) the need for any further action to be undertaken by the licensee to ensure that the EDCM would better achieve the Relevant Objectives; and
 - (b) the time by which such action must be completed.
- 50A.22 No condition imposed under paragraph 50A.21 is effective unless, before granting the relevant approval, the Authority has informed the licensee of its intention to impose the condition in a Notice which:
- (a) sets out the nature and contents of the condition; and
 - (b) specifies a period of at least 28 days within which representations or objections with respect to the condition may be made,

and has considered any representations or objections that are duly made by the licensee and not withdrawn.

50A.23 Except that the Authority may not bring forward the dates specified in Parts D, E, F, G and Appendix 1 of this condition, the Authority may direct that such deadlines as are specified or referred to in those Parts or that Appendix may be amended as the Authority considers necessary for the purpose of meeting its wider public law duties or having regard to its principal objective and duties under the Act.

Part E: Implementing an EHV Distribution Charging Methodology

50A.24 Where the Authority has approved the EDCM under Part D of this condition, the licensee must, with effect from the Implementation Date:

- (a) revoke such parts of its Use of System Charging Methodology used for the calculation of Use of System Charges levied in respect of Designated EHV Properties as are contained within that methodology in the form in which it is in force under standard condition 13 at 31 March 2012; and
- (b) implement the EDCM in the form in which it has been approved by the Authority.

Part F: Arrangements for handling modification proposals

50A.25 The licensee, in conjunction with all other Distribution Services Providers, and in consultation with other Authorised Electricity Operators, must develop arrangements for handling modification proposals in relation to the EDCM ('modification arrangements') and submit them for approval to the Authority by not later than 1 September 2010.

50A.26 The modification arrangements must include provision for the following core features.

50A.27 The first core feature is that the arrangements must provide for the licensee to meet periodically with other Distribution Services Providers, other Authorised Electricity Operators, and any other persons whose interests are materially affected by the EDCM for the purpose of discussing the further development of the EDCM.

50A.28 The second core feature is that the arrangements must provide for a timely and efficient process by which the licensee can:

- (a) formally receive modification proposals from any Authorised Electricity Operator or any other person whose interests are materially affected by the EDCM;
- (b) consult on the merits of those proposals with other Distribution Services Providers, other Authorised Electricity Operators, and any other persons whose interests are materially affected by the EDCM; and
- (c) evaluate those proposals in the light of that consultation.

50A.29 The third core feature is that the arrangements must provide for the licensee to have a report on any modification proposal prepared in a timely and efficient manner for submission to the Authority that:

- (a) sets out the terms proposed for the modification;

- (b) fairly summarises the representations received during the consultation process under paragraph 50A.28;
- (c) sets out the conclusions reached by the licensee and other Distribution Services Providers about the modification proposal in question, including whether, in their opinion, the modification would better achieve the Relevant Objectives; and
- (d) sets out a timetable for implementing the modification, if it were to be made, and the date from which the modification (if made) would take effect.

50A.30 The fourth core feature is that the arrangements must provide for the review and future modification (where appropriate) of the modification arrangements.

Part G: Approval of arrangements for handling modifications

50A.31 Where the Authority, having regard to its principal objective and duties under the Act, is satisfied that the modification arrangements submitted under paragraph 50A.25 comply with the features set out in paragraphs 50A.27 to 50A.30, it may approve those arrangements as the modification arrangements approved by the Authority for the purposes of standard condition 13B (EHV Distribution Charging Methodology) in a direction given for the purposes of this condition 50A generally that:

- (a) describes (or provides for access to a description of) the nature of the modification arrangements;
- (b) sets out the Authority's reasons for approving the arrangements; and
- (c) specifies the date on which it proposes that the approval should have effect.

50A.32 Subject to paragraph 50A.33, approval by the Authority under paragraph 50A.31 may be granted subject to such conditions as the Authority considers appropriate, having regard, in particular, to:

- (a) the need for any further action to be undertaken by the licensee to ensure that the modification arrangements would better meet the features set out in paragraphs 50A.27 to 50A.30 of this condition; and
- (b) the time by which such action must be completed.

50A.33 No condition imposed under paragraph 50A.32 is effective unless, before granting the relevant approval, the Authority has informed the licensee of its intention to impose the condition in a Notice which:

- (a) sets out the nature and contents of the condition; and
- (b) specifies a period of at least 28 days within which representations or objections with respect to the condition may be made,

and has considered any representations or objections that are duly made by the licensee and not withdrawn.

Part H: Compliance and change control framework

50A.34 Where the Authority has approved the EDCM under Part D of this condition, this Part H applies on the Implementation Date for the purpose of modifying the standard conditions of this licence with effect from that date in accordance with paragraph 50A.35 below.

50A.35 The modification referred to in paragraph 50A.34 is that standard condition 13B in the form set out at Appendix 1 (which is part of this condition 50A) comes into force in this licence on the Implementation Date.

Part I: Interpretation and termination

50A.36 For the purposes of this condition, the EDCM achieves the Relevant Objectives if it achieves them in the round, taking one objective with another.

50A.37 Unless and to the extent otherwise directed by the Authority, this condition is of no further effect in this licence after the Implementation Date.

Part J: Derogations

50A.38 The Authority may (after consulting the licensee and, where appropriate, any other Authorised Electricity Operator likely to be materially affected) give a direction ('a derogation') to the licensee that relieves it of its obligations under Part C of this condition in respect of such elements of the EDCM, to such extent, for such period of time, and subject to such conditions as may be specified in the direction.

50A.39 Appendix 1 follows immediately below.

APPENDIX 1

Condition 13B. EHV Distribution Charging Methodology

Part A: Licensee's obligations

- 13B.1 This condition applies to the licensee on and after 1 April 2012 if the licensee is a Distribution Services Provider.
- 13B.2 The licensee must take all steps within its power to ensure that the EHV Distribution Charging Methodology ('the EDCM') continues to be a Charging Methodology for the determination of the licensee's Use of System Charges that is approved by the Authority on the basis that it achieves the Relevant Objectives set out in Part C below.
- 13B.3 In this condition, references to the EDCM are references to the methodology that was developed and brought into force by the licensee on 1 April 2012 in conjunction with every Associated Licensee within the meaning of paragraph 4 of standard condition 50A (Development and implementation of an EHV Distribution Charging Methodology).
- 13B.4 The licensee must at all times implement and comply with the EDCM.
- 13B.5 The licensee must, for the purpose of ensuring that the EDCM continues to achieve the Relevant Objectives:
- (a) review the methodology at least once every year; and
 - (b) subject to Part D of [this standard](#) condition [22A](#), make such modifications (if any) of the methodology as are necessary for the purpose of better achieving the Relevant Objectives.

Part B: Charging boundary

- 13B.6 For the purposes of this condition, Designated EHV Properties are any of the following:
- (a) Distribution Systems connected to the licensee's Distribution System at 22 kilovolts or more;
 - (b) premises connected to the licensee's Distribution System at 22 kilovolts or more;
 - (c) Distribution Systems connected directly to substation assets that form part of the licensee's Distribution System at 1 kilovolt or more and less than 22 kilovolts where the primary voltage of the substation is 22 kilovolts or more and where the Metering Point is located at the same substation; and
 - (d) premises connected directly to substation assets that form part of the licensee's Distribution System at 1 kilovolt or more and less than 22 kilovolts where the primary voltage of the substation is 22 kilovolts or more and where the Metering Point is located at the same substation.

Part C: The Relevant Objectives of the EDCM

- 13B.7 The Relevant Objectives that the EDCM must achieve are as follows.

- 13B.8 The first Relevant Objective is that compliance with the EDCM facilitates the discharge by the licensee of the obligations imposed on it under the Act and by this licence.
- 13B.9 The second Relevant Objective is that compliance with the EDCM facilitates competition in the generation and supply of electricity and will not restrict, distort, or prevent competition in the transmission or distribution of electricity or in participation in the operation of an Interconnector.
- 13B.10 The third Relevant Objective is that compliance with the EDCM results in charges which, so far as is reasonably practicable after taking account of implementation costs, reflect the costs incurred, or reasonably expected to be incurred, by the licensee in its Distribution Business.
- 13B.11 The fourth Relevant Objective is that, so far as is consistent with the first three Relevant Objectives, the EDCM, so far as is reasonably practicable, should properly take account of developments in the licensee's Distribution Business.
- 13B.12 For the purposes of this condition, the EDCM achieves the Relevant Objectives if it achieves them in the round, taking one objective with another.

Part D: Procedure for modifying the EDCM

~~13B.1312 Proposals for modifying the EDCM ('modification proposals') may be raised by:~~

- ~~(a) any Authorised Electricity Operator; or~~
- ~~(b) any other person whose interests are materially affected by the EDCM.~~

~~13B.1413 Modification proposals must be handled by the licensee in conjunction with all other Distribution Services Providers and in accordance with the relevant modification arrangements.~~

~~13B.1514 The relevant modification arrangements are the arrangements approved by the Authority for the purposes of this condition 13B and in force under this licence at 1 April 2012 by virtue of the provisions of standard condition 50A (Development and implementation of an EHV Distribution Charging Methodology), as modified from time to time in such manner as is provided for by those arrangements.~~

~~13B.1615 Unless otherwise directed by the Authority under paragraph 13B.1716, before making a modification to the EDCM the licensee must have a report prepared for submission to the Authority that:~~

- ~~(a) sets out the terms proposed for the modification;~~
- ~~(b) fairly summarises the representations received during the consultation process on the modification proposal;~~
- ~~(c) sets out the conclusions reached by the licensee about the modification proposal in question, including whether, in the licensee's opinion, the modification would better achieve the Relevant Objectives; and~~
- ~~(d) sets out a timetable for implementing the modification and the date with effect from which the modification (if made) is to take effect (which~~

~~must not be a date earlier than the date on which the whole of the period covered by paragraph 13B.1918 will end).~~

~~13B.1716 If the Authority has directed that paragraph 13B.1615 should not apply, the licensee must comply with such other requirements (if any) as the Authority may specify in its direction.~~

~~13B.1817 Subject to paragraph 13B.1719, where the licensee has complied with the requirements of paragraph 13B.1615 the licensee must, before making the modification:~~

~~(a) — revise the relevant statement of its EDCM (or the most recent version of that statement) published in accordance with paragraph 13B.2019 so that it sets out the changed methodology and specifies the date from which that is to have effect; and~~

~~(b) — give the Authority a copy of the revised statement.~~

~~13B.1918 The licensee must make the modification of the EDCM unless, within 28 days of receiving the licensee's report under paragraph 13B.1615, the Authority, having regard to its principal objective and duties under the Act, has either:~~

~~(a) — directed the licensee not to make the modification; or~~

~~(b) — notified the licensee that it intends to consult, and then within three months of giving that notification directed the licensee not to make the modification.~~

Part DE: Public availability of the EDCM

13B.1320 The licensee must ensure that a copy of its EDCM that is in force under this condition, as from time to time modified, is publicly available on the licensee's Website and is otherwise available to any person who requests it upon payment of an amount that does not exceed the reasonable costs of making and supplying that copy.

Part EF: Derogations

13B.1424 The Authority may (after consulting the licensee and, where appropriate, any other Authorised Electricity Operator likely to be materially affected) give a direction ('a derogation') to the licensee that relieves it of its obligations under Part A of this condition in respect of such elements of the EDCM, to such extent, for such period of time, and subject to such conditions as may be specified in the direction.