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26 April 2011

Dear Dora

Code Modification Urgency Criteria

Thank you for the opportunity to comment on the issues raised in your open letter dated 11 March 2011 on the above.

EDF Energy fully supports appropriate code governance arrangements that allow for the possibility of code modification proposals to, in exceptional circumstances, proceed on an urgent basis rather than via the standard modification process. It is inevitable that from time to time issues will arise that require addressing in the most efficient manner possible in order to protect the interests of industry participants and consumers.

Notwithstanding the above, it is vital that there is a robust and transparent process for determining whether a modification proposal is to be treated urgent given that the opportunity for full industry assessment and consultation will be significantly reduced. We therefore welcome the publication of criteria to be used by Ofgem when considering requests for urgent status as this promotes transparency, consistency and predictability in the regulatory process in respect of industry code governance.

In principle, we support the proposed criteria to be used by Ofgem in determining urgency as set out in Appendix 1 to the open letter. However, we propose that the following amendment is made to paragraph 1 of the proposed criteria:

"1. Be linked to an imminent date related event which could not have reasonably been foreseen by the proposer"

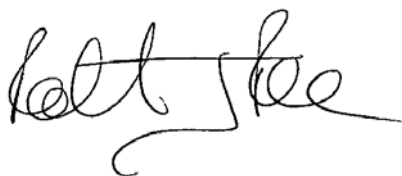
We believe this amendment would ensure that any 'urgent' proposal was raised expeditiously and mitigate any risk of the proposer strategically holding back any proposal with a view to trying to condense and circumvent the standard industry modification process by requesting urgency.

Finally, we recognise that Ofgem may require a limited degree of flexibility in applying the criteria when deciding on urgency status. In particular, where the criteria are met yet the modification proposal is significant and complex, we believe Ofgem should have the flexibility to still decline urgency status and subject the proposal to rigorous industry assessment and consultation. However, given the criteria proposed considers timing, significant commercial impact and security of supply, we do not envisage any

circumstance whereby the criteria are met yet Ofgem decide to grant urgency status in light of its statutory duties.

Should you wish to discuss any of the issues raised in our response or have any queries please contact my colleague Steven Eyre on 01452 653741, or myself.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Rob Rome".

Rob Rome
Head of Transmission and Trading Arrangements