



DCUSA panel, parties to the  
DCUSA, and other interested  
parties

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*Promoting choice and value for  
all gas and electricity customers*

Email: [industrycodes@ofgem.gov.uk](mailto:industrycodes@ofgem.gov.uk)

**20 March 2012**

Dear Colleague,

**DCP100 Payment timescales alignment and simplification – Appeal by Npower**

Following determination of Change Proposal DCP100 by party voting, an appeal request was made to the Authority in accordance with clause 13.18 of the DCUSA.<sup>1</sup> This appeal request is appended to this letter.

The appellant considers that Change Proposal DCP100 should be considered as a Part 1 matter because it satisfies paragraph 9.4.3 of the Part 1 criteria:

*9.4.3 it is likely to discriminate in its effects between one Party (or class of Parties) and another Party (or class of Parties)*

We note that discrimination refers to the different treatment of relevantly similar situations, or the similar treatment of relevantly different situations, without objective justification. However, we do not consider the basis on which the modest change to the commercial arrangements proposed by DCP100 could be said to be likely to engage 9.4.3 above. In reaching this view, we have considered the appeal letter, the Change Report and associated documentation. Whilst we consider that it may be beneficial in terms of governance for a consistent use of either business days or calendar days, we do not agree that such a change would be discriminatory in its effects between DCUSA Parties.

We do not consider that this Change Proposal meets the Part 1 criteria and as such, under clause 13.21 of the DCUSA, the decision to reject this proposal by virtue of Clause 13.7 shall continue to have effect.

Yours sincerely,

**Declan Tomany**

**Associate Partner Legal - Smarter Grids and Governance**

Signed on behalf of the Authority and authorised for that purpose

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<sup>1</sup> This request was made by Npower on 20 February. However, it was not received by the Authority until 28 February. In this respect the Authority considers its determination as due within 15 working days of 28 February. See <http://www.dcusa.co.uk/Public/DCUSADocuments.aspx?s=c> for DCUSA document.