

**To: All holders of an electricity distribution licence**

**NOTICE UNDER SECTION 11A(2) OF THE ELECTRICITY ACT 1989**

The Gas and Electricity Markets Authority ("the Authority") hereby gives notice pursuant to section 11A(2) of the Electricity Act 1989 ("the Act") as follows:

1. The Authority proposes to modify all electricity distribution licences granted or treated as granted under section 6(1)(c) of the Electricity Act of the Act by amending the following Standard Conditions:
  - Condition 1 (Definitions for the standard conditions)
  - Condition 22 (Distribution Connection and Use of System Agreement)
  
1. The reason why the Authority proposes to make these licence modifications is to:
  - include a definition of "Agency for the Cooperation of Energy Regulators" in the licence
  - clarify the circumstances when the Authority's consent is required before a licensee can withdraw a code modification proposal that it has raised.
  
2. The effect of the proposed modifications is to:
  - provide a definition for 'Agency for the Cooperation of Energy Regulators' in the electricity distribution licence
  - prevent a licensee from withdrawing code modification proposals (which the Authority reasonably considers are necessary to comply with or implement the Electricity Regulation and/or any relevant legally binding decisions of the European Commission and/or the Agency for the Cooperation of Energy Regulators) without the Authority's prior consent.
  
3. Relevant licence holders for the purposes of this Notice are all holders of an electricity distribution licence at the relevant time with any of the Standard Conditions referred to in paragraph 1 in force.
  
4. Further detail and background on these proposed changes is set out at: <http://www.ofgem.gov.uk/Pages/MoreInformation.aspx?docid=239&refer=LICENSING/WORK>
  
6. A copy of the proposed modifications and other documents referred to in this Notice are available (free of charge) from the Ofgem library (telephone 020 7901 7003) or the Ofgem website [www.ofgem.gov.uk](http://www.ofgem.gov.uk)
  
7. Any representations on the proposed licence modifications must be made on or before 28 August 2013 to: Abid Sheikh, Office of Gas and Electricity Markets, 107 West Regent Street, Glasgow, G2 2BA or by email to: [licensing@ofgem.gov.uk](mailto:licensing@ofgem.gov.uk)
  
8. All responses will normally be published on Ofgem's website and held in the Research and Information Centre. However, if respondents do not wish their response to be made public then they should mark their response as not for publication. Ofgem prefers to receive responses in an electronic form so they can be placed easily on the Ofgem website.
  
9. If the Authority decides to make the proposed modifications, they will take effect 56 days after the decision is published.

**Lesley Nugent**  
**Head of Industry Codes and Licensing**  
**Duly authorised on behalf of the**  
**Gas and Electricity Markets Authority**

**29 July 2013**

## Schedule 1

### Condition 1. Definitions for the standard conditions

Paragraph 1.3 (addition of the following definition between the definitions of "Affiliate" and "Application Regulations")

<b><u>Agency for the</u></b>	<u>means the agency of that name established under Regulation</u>
<b><u>Cooperation of</u></b>	<u>2009/713/EC of the European Parliament and of the Council of 13</u>
<b><u>Energy</u></b>	<u>July 2009 establishing an Agency for the Cooperation of Energy</u>
<b><u>Regulators</u></b>	<u>Regulators.</u>

## Schedule 2

### Condition 22. Distribution Connection and Use of System Agreement

Paragraph 5 (e)

(e) ~~amendment~~ **modification** proposals made by the Authority or the licensee in accordance with paragraphs 22.5(a) and 22.5(f)(i) respectively which the Authority reasonably considers are necessary to comply with or implement the Regulation and/or any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators are:

- (i) to be accepted into the DCUSA ~~amendment~~ **modification** procedures by the panel;
- (ii) where they are raised by the licensee, not to be withdrawn without the Authority's prior consent; and
- (iii) to proceed in accordance with any timetable(s) directed by the Authority in accordance with paragraph 22.5(f); and