

**To: National Grid Electricity Transmission plc**

**Electricity Act 1989  
Section 11A(1)(a)**

**MODIFICATION OF NATIONAL GRID ELECTRICITY TRANSMISSION PLC'S  
ELECTRICITY TRANSMISSION LICENCE GRANTED UNDER SECTION 6(1)(b) OF  
THE ELECTRICITY ACT 1989**

1. National Grid Electricity Transmission plc (the Licence Holder) is the holder of an electricity transmission licence (the Licence) granted or treated as granted under section 6(1)(b) of the Electricity Act 1989 (the Act).
2. In accordance with section 11A(2) of the Act the Gas and Electricity Markets Authority (the Authority, also referred to in this document as "us" or "we") gave notice on 17 December 2014 (the Notice) that we proposed to modify Special condition 3I (The Network Innovation Competition) of the Licence and requiring any representations to the modification to be made on or before 19 January 2015.
3. We gave notice to the Secretary of State in accordance with section 11A(4)(b) of the Act, and have not received a direction not to make the modification.
4. We did not receive any responses before the end of the consultation period on the Notice.
5. We are making the modifications: to give effect to our decision that electricity distributors should participate in the Electricity Network Innovation Competition from the start of the RIIO-ED1 price control; and to reflect our earlier decisions that funding for NIC projects should be through transmission charges and that learning should be shared amongst all relevant licensees.

Further details of reasons for the licence modifications are in the following documents:

- (a) Our Strategy decision for RIIO-ED1<sup>1</sup>; and
- (b) Decisions on the Network Innovation Competition and the timing and next steps on implementing the Innovation Stimulus.<sup>2</sup>

6. The effect of the modifications will be to:

require the Licence Holder to transfer funding to electricity distributors where it is required to do so by a funding direction issued under Special Condition 3I and the Electricity Network Innovation Competition Governance Document and to share learning with electricity distribution licensees under the Network Innovation Competition Governance Document.

7. Where an application for permission to appeal our decision is made to the Competition and Markets Authority under section 11C of the Act, Rule 5.7 of the CMA's Energy Licence Modification Appeals Rules<sup>3</sup> requires that the appellant

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<sup>1</sup> <https://www.ofgem.gov.uk/publications-and-updates/strategy-decision-riio-ed1-overview>

<sup>2</sup> <https://authors.ofgem.gov.uk/ofgem-publications/56919/march-decision-document-final.pdf>

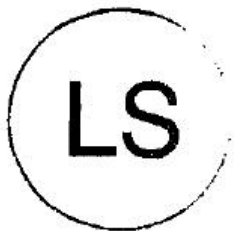
<sup>3</sup> The rules were published by the Competition Commission in September 2012. On 1 April 2014, the Competition Commission was abolished and its functions transferred to the Competition and Markets Authority (CMA).

must send to any relevant licence holders who are not parties to the appeal a non-confidential notice setting out the matters required in Rule 5.2. The attached Schedule 2 provides a list of the relevant licence holders in relation to this modification notice. The meaning of 'relevant licence holder' is set out in section 11A(10) of the Act.

In accordance with the powers contained in section 11A(1)(a) of the Act, we hereby modify the licence of the Licence Holder in the manner specified in attached Schedule 1. This decision will take effect on and from 1 April 2015.

This document constitutes notice of the reasons for the decision to modify the electricity transmission licence held by the Licence Holder as required by section 49A of the Act.

**The Official Seal of the Gas and Electricity Markets Authority  
here affixed is authenticated by the signature of**



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**Andrew Burgess**  
**Associate Partner, Transmission and Distribution Policy**  
**Duly authorised on behalf of the**  
**Gas and Electricity Markets Authority**

**2 February 2015**

## **Schedule 1: Licence Drafting**

Special Condition 3I. The Network Innovation Competition

### **Introduction**

- 3I.1 The purpose of this condition is to establish arrangements known as the Network Innovation Competition (NIC) that will enable the Authority to determine the value of the Network Innovation Competition Funding (NICF) term that is to apply in Part B of Special Condition 3A (Restriction of Transmission Network Revenue) with respect to the funding of innovative low carbon or environmental projects.
- 3I.2 The effect of the application of the NICF term in Part B of Special Condition 3A is to adjust the calculation of the licensee's Maximum Revenue in order to fund investment in innovation under the NIC established pursuant to this condition.
- 3I.3 This condition also makes provision for arrangements relating to the regulation, administration, and governance of the NIC.

### **Part A: Function of the Network Innovation Competition (NIC)**

- 3I.4 The function of the NIC is to enable the licensee to fund Eligible NIC Projects by means of revenues collected by the licensee through its Transmission Network Charges pursuant to the NIC Funding Mechanism described in Part B below as varied, where appropriate, by the Funding Return Mechanism described in Part C below.
- 3I.5 The value of the NICF term that is to be incorporated into the Maximum Revenue in accordance with the provisions of Special Condition 3A in respect of any Relevant Year comprises the total of the allowed revenues of the licensee recovered under the NIC Funding Mechanism in that year.
- 3I.6 Accordingly, for the purposes of Part B of Special Condition 3A, the amount of the NIC adjustment in the NICF term in any Relevant Year is determined in accordance with Parts B to D below and subject to the relevant provisions of the NIC Governance Document.

### **Part B: The NIC Funding Mechanism**

- 3I.7 The NIC Funding Mechanism is the mechanism by which the licensee recovers the amount of authorised NIC Funding in any Relevant Year and apportions that amount between the licensee, other Transmission Licensees and Electricity Distribution Licensees as appropriate in accordance with the NIC Governance Document.
- 3I.8 NIC Funding is the total amount of funding authorised by the Authority for the licensee, other electricity Transmission Licensees and Electricity Distribution Licensees, in accordance with the provisions of the NIC Governance Document, for the purpose of funding Eligible NIC Projects.

### **Part C: The Funding Return Mechanism**

- 3I.9 The Funding Return Mechanism provides for the recovery from the licensee and from other electricity Transmission Licensees or Electricity Distribution Licensees, in each case to such extent (if any) as may be relevant, of:
- (a) Halted Project Revenues;
  - (b) Disallowed Expenditure; and
  - (c) Returned Royalty Income.

- 3I.10 The Funding Return is the total amount (in respect of the licensee other electricity Transmission Licensees and Electricity Distribution Licensees) of any amounts arising under paragraph 3I.9 of this condition.
- 3I.11 Halted Project Revenues are revenues received (whether by the licensee or any other electricity Transmission Licensee or Electricity Distribution Licensee) under the NIC Funding Mechanism in respect of an Eligible NIC Project which have not yet been spent, or otherwise committed, at the time that the Authority requires that project to be halted in accordance with the applicable provisions of the NIC Governance Document or the terms of the relevant Project Direction.
- 3I.12 Disallowed Expenditure is revenue received (whether by the licensee or any other electricity Transmission Licensee or Electricity Distribution Licensee) under the NIC Funding Mechanism that the Authority determines has not been spent in accordance with the applicable provisions of the NIC Governance Document or the terms of the relevant Project Direction.
- 3I.13 Returned Royalty Income is revenue earned from intellectual property generated through Eligible NIC Projects (whether undertaken by the licensee or any other electricity Transmission Licensee or Electricity Distribution Licensee), less Directly Attributable Costs, and that is payable to customers under the NIC Funding Mechanism, as calculated in accordance with the provisions of the NIC Governance Document.
- 3I.14 For the purposes of paragraph 3I.13 of this condition, Directly Attributable Costs are costs relating to the maintenance and management of intellectual property generated through Eligible NIC Projects (whether undertaken by the licensee or any other Transmission Licensee or Electricity Distribution Licensee) that have not been otherwise remunerated through Transmission Network Charges, Excluded Services, or the NIC Funding Mechanism.

#### **Part D: Determination of the NICF term**

- 3I.15 The NICF term is the amount for Relevant Year t that is to be recovered by the licensee on behalf of itself, other electricity Transmission Licensees and Electricity Distribution Licensees, as determined by the Authority under paragraph 3I.16 in relation to:
- (d) the NIC Funding specified for that year; and
  - (e) any Funding Return specified for that year.
- 3I.16 In each Relevant Year t, as provided for by the NIC Governance Document, the Authority will calculate and then, by direction given to the licensee, other electricity Transmission Licensees and Electricity Distribution Licensees, will specify in accordance with the appropriate provisions set out in the NIC Governance Document:
- (f) the value of the NICF term for the licensee (being the amount, if any, to be recovered by the licensee in order to contribute to its own and other electricity Transmission Licensees' and Electricity Distribution Licensees' NIC Funding for that Relevant Year);
  - (g) the net amounts that are to be transferred between the licensee and other electricity Transmission Licensees and Electricity Distribution Licensees in order to ensure that each such licensee receives an amount (if any) equal to the proportion of the NIC Funding for that Relevant Year that is attributable to its Eligible NIC Projects (adjusted to take into account the amount of any Funding Return); and

- (h) the manner in which and the timescale over which the net amounts referred to in paragraph (b) are to be transferred.

3I.17 The licensee must comply, to the extent that is applicable to it, with any direction issued by the Authority under paragraph 3I.16 of this condition.

#### **Part E: The NIC Governance Document**

3I.18 The Authority will issue, and may from time to time revise, a document, to be known as the NIC Governance Document, for purposes connected with the regulation, governance, and administration of the NIC.

3I.19 The NIC Governance Document may, without limitation, make appropriate provision about or impose requirements in respect of:

- (i) the eligibility criteria to be applied by, and information to be provided to, the Authority in relation to the assessment and approval of proposed NIC Projects;
- (j) the evaluation criteria against which the funding of such projects will be assessed and approved (where necessary);
- (k) the process and procedures that will be in place for the assessment, approval, and financing of such projects' funding (where necessary);
- (l) arrangements to ensure that relevant matters the licensee has learned from the implementation of Eligible NIC Projects can be captured and disseminated by the licensee to other electricity Transmission Licensees;
- (m) the nature of the reporting obligations in respect of such projects (which may include reporting in respect of the funding and the completion of such projects, as well as reporting on compliance with this condition and the provisions of the NIC Governance Document);
- (n) arrangements relating to the treatment of intellectual property rights including Returned Royalty Income in respect of Eligible NIC Projects; and
- (o) any other matters relating to the regulation, governance, or administration of the NIC.

3I.20 Where provisions of the NIC Governance Document require the compliance of the licensee, the licensee must comply with those provisions as if the NIC Governance Document were part of this condition.

#### **Part F: Procedure for issuing and revising the NIC Governance Document**

3I.21 Before issuing the NIC Governance Document under this condition, the Authority, by notice given to the licensee and other electricity Transmission Licensees and Electricity Distribution Licensees with a condition of similar effect to this condition in their licence, shall:

- (p) state that it proposes to issue the NIC Governance Document, and specify the date on which it proposes that the NIC Governance Document should take effect;
- (q) set out the text of the document and the Authority's reasons for proposing to issue it; and

- (r) specify the date (which must not be less than a period of 28 days from the date of the notice) within which representations with respect to the proposed NIC Governance Document may be made.
- 3I.22 The Authority will consider any representations that are duly made and not withdrawn.
- 3I.23 The requirements of paragraphs 3I.21 and 3I.22 of this condition may be satisfied by action taken before, as well as by action taken after, the commencement of this condition.
- 3I.24 In paragraph 3I.21 of this condition, “issuing the NIC Governance Document” includes issuing any revision of the document, and the procedure provided for under that paragraph will apply to any such revision.

**Part G: Interpretation**

- 3I.25 Defined terms used in this condition and set out in Special Condition 1A (Definitions and Interpretation) are to be read and given effect subject to any further clarification that might be set out in the NIC Governance Document in relation to such terms.

## **Schedule 2: Relevant Licence Holders<sup>4</sup>**

National Grid Electricity Transmission plc

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<sup>4</sup> Electricity licence holders are listed at: <https://www.ofgem.gov.uk/publications-and-updates/all-electricity-licensees-registered-addresses>