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Dear Min

Statutory consultation on proposed licence modifications to Standard Licence Conditions 14 and 15 of the electricity generation licence

With reference to the above statutory consultation dated 24 March 2015, please see below our representations to the proposed modifications.

Main Concern

Our main concern is that the proposed modification to SLC 15(4) would mean that a licensee will require to seek the consent of the Authority before exercising its rights of entry on land under paragraph 10 Schedule 4 in relation to electric lines activity (SLC15(2)(a), proposed SLC 15(2)(c)). Thus creating an extra requirement on the licensee not just when it is first considering the location of installing electric lines, for example, but whenever it requires to implement paragraph 10 Schedule 4 thereafter, for example repair work.

As you are aware, our view is that SLC 15 already catered for the licensee to implement paragraph 10 Schedule 4 for electric line activity without the need for Authority consent. We do not agree with Ofgem's statement that 'the current licence conditions allow generators to enter and survey land for the purpose of ascertaining its suitability for the "construction or extension of a generation station" and no other purposes', and are disappointed that further explanation has not been provided to support this argument and address our concerns.

Our view

We would argue that the wording of SLC 15(2) "switched on" the whole of Schedule 4 to apply to the items listed in (a) electric line activity, (b) electrical plant and (c) pipes conveying heat, subject to



paragraph 3. This included works preliminary to all of these activities, and thereby paragraph 10 Schedule 4, taking into account the words "in relation to" and in particular in respect of electrical line activity where there is the additional words "or in pursuance of".

Notwithstanding the above, we have noted the following further points:-

Confusion arises in that the proposed modifications make SLC 15(2) subject to SLC 15(4). We would like to understand whether it is the intent that SLC 15(2)(b) operation of generating station, (d) electrical plant and (e) pipes conveying heat, cannot make use of paragraph 10 Schedule 4, as the current drafting implies this.

You have proposed to modify SLC 14 and 15 to ensure a consistency of approach. However, we note that SLC 15(2)(b) and (c) (proposed SLC 15(2)(d) and (e)) are not reflected in SLC 14 proposed modifications. We would also like to understand the basis on which the insertion of "and/or" proposed to be added into SLC 14(2) has not been proposed for SLC 15(2).

The reference in proposed modification SLC 15(4)(b) to "including, for the avoidance of doubt, works preliminary to those activities" is confusing as we would question whether the works under paragraph 10 Schedule 4 would be anything else.

By the insertion of the words "including, for the avoidance of doubt, works preliminary to those activities" in proposed SLC 14(2)(c) and 15(2)(c), we are unclear as to how Schedules 3 and 4 are to apply to works preliminary to the rest of the items in the lists in SLC 14(2) and 15(2).

We note that the drafting continues to make reference to 2007 as the date of effect however we presume that the proposed modifications if accepted are not intended to apply retrospectively and would like this to be made clear.

We would urge Ofgem to consider the above points before any final modifications are made to SLC 14 and 15.

Please do not hesitate to contact me if you would like to discuss anything in more detail.

Yours sincerely

Lois Wares
Regulation