



**By email only**

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Dear Marion,

**Code Governance Review (Phase 3) Final Proposals:  
Consultation on code administration reporting metrics and performance  
surveys; &  
Consultation on licence modifications**

RWE welcomes the opportunity to respond to the above Ofgem consultations and would like to provide the following comments. Please find our responses to both the consultations below.

Aside from the views captured in our responses to the consultations, we would also like to point out the following regarding the development of forward work plans, mentioned under the code administration section of the CGR3 Final Proposals. The proposal is for code administrators to develop these plans and panels to establish project management.

RWE's response to the CMA's Provisional Decision on Remedies on Code Governance, stated that, it is critical to develop a cross code work plan, to minimise the risk of an overly congested change landscape. Code specific work plans will be ineffective if they only provide views of their individual codes without reference to the wider code change landscape. Production of a consolidated cross-code strategic work plan is therefore essential to optimise efficiency and to minimise risks, conflicts and costs resulting from an overloaded industry change programme

I hope our comments are helpful. If you would like to discuss our response, please contact me.

Yours sincerely

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### **CGR3: Consultation on code administration reporting metrics and surveys**

**1. Do you agree that the metrics set out in Appendix 1 will provide an useful set of data?**

RWE agrees that the metrics set out in Appendix 1 provide an useful set of data.

**2. Are there any other data that you consider should be reported on by the code administrators?**

We think that the metrics set out in Appendix 1 adequately capture all relevant data that code administrators should report on. Therefore we do not consider that any further data needs to be captured in the metrics.

**3. Is there any additional guidance that is required such that the data provided is consistent across all code administrators?**

Currently the guidance for completing the quantitative metrics only includes guidance to questions 1, 3, 5 and 10. We believe it would be beneficial to have guidance to all the questions to ensure that the responses provided are consistent across all code administrators who will complete the survey. Ofgem should therefore issue guidance on each question in the quantitative metrics to ensure this is possible.

**4. Do you think there are any reasons why the code administrators should not continue to pay for the survey?**

Since the code administrators currently pay for their own surveys, it is fair to consider that they should continue paying for the single survey to be commissioned by Ofgem.

**5. Which of the options set out in this document do you consider is the most appropriate way to fund the independent survey between the code administrators?**

Option 1 proposes that the total cost of the survey could be split equally between the administrators of the eleven codes that are listed in the CACoP (including the BSC, CUSC, Grid Code, STC, Distribution Code, DCUSA, SPAA, iGT UNC, MRA, SEC and UNC). We consider this is appropriate and fair to all the code administrators across the board.

**6. Are there any alternatives to the options set out in this document of dividing the costs between the code administrators that you would favour?**

RWE does not have any other alternative options to suggest in regard to dividing the costs between the code administrators.

**CGR3: Consultation on licence modifications**

**1. Do you consider that the licence drafting would achieve the policy proposals set out in the CGR3 Final Proposals?**

As stated in our response to the Ofgem's Initial Proposals, RWE is not comfortable with the changes outlined by the licence drafting. We do not think Ofgem should lead an end to end SCR process or be able to set timetables for the code change process under an SCR.

However, for the purposes of answering the question, we agree that the licence drafting achieves the policy proposals set out in the CGR3 Final Proposals.

**2. Do you consider that the licence drafting in Electricity Transmission Licence SLC C14 would also facilitate the implementation of GC0086?**

The amendments to Electricity Transmission Licence SLC C14, promotes efficiency in the implementation and administration of the Grid Code arrangement, along with giving effect to Ofgem's final proposals on CGR3. Since GC0086 is the modification to the Grid Code's Open Governance, the changes to SLC C14 are likely to help implement the modification, if it is approved.

**3. Do you agree that, where licence drafting differs between licence conditions, the substantive effect is materially the same?**

We agree that while the proposed drafting of the various licence condition may be different, the intent and substantive effect from these amendments are the same. Having reviewed the proposed drafting to the BSC, CUSC, STC, DCUSA, MRA, Distribution Code, Grid Code, UNC, iGT UNC and SPAA, we agree that each of the amendments only appear to implement and give effect to Ofgem's CGR3 final proposals.