

To: All holders of an electricity interconnector licence

**Electricity Act 1989
Section 11A(2)**

Notice of statutory consultation on a proposal to modify Standard Condition 3 of all electricity interconnector licences

1. The Gas and Electricity Markets Authority ('the Authority')¹ proposes to modify the standard conditions of all electricity interconnector licences granted or treated as granted under section 6(1)(e) of the Electricity Act 1989 ('the Act') by amending Standard Condition 3: Compliance with codes ('SLC 3') in the manner set out in Schedule 1 to this Notice.
2. We are proposing this modification to place a duty on electricity interconnector licence holders, along with all other holders of licences granted under the Gas Act 1986 or Electricity Act 1989, to cooperate with the Authority or any person(s) appointed by the Authority, as may be required to give full effect to the conclusions of a Significant Code Review.
3. The reason why the Authority proposes to make this modification is to place a duty on all electricity interconnection licensees, along with other holders of licences granted under the Gas Act 1986 or Electricity Act 1989, to cooperate with the Authority or any person(s) appointed by the Authority, as may be required to give full effect to the conclusions of a Significant Code Review. This is to ensure a continuity of effective programme governance beyond the point at which the Authority may direct modifications to relevant licences and/or industry codes, through the design, build and test phase to the subsequent implementation of associated IT systems.
4. These reasons are set out further in the following documents published by the Authority:
 - a) Switching Programme: Regulation and Governance - way forward and statutory consultation on licence modifications - published 15 October 2018; and
 - b) Switching Programme: Proposed modifications to regulation and governance – published 5 June 2018.

These documents, together with copies of this proposed modification and any other documents referred to in this Notice have been published on our website (www.ofgem.gov.uk).

5. In summary, the effect of the modifications are to:
 - a) insert into the unused standard condition 3 a duty to cooperate with the Authority in delivery of a significant code review; and
 - b) include definitions of new terms where appropriate.

¹ The terms "the Authority", "we" and "us" are used interchangeably in this document

6. Any representations with respect to the proposed licence modification must be made on or before **16 November 2018** to: Jon Dixon, Office of Gas and Electricity Markets, 10 South Colonnade Canary Wharf London E14 4PU9, or preferably by email to switchingprogramme@ofgem.gov.uk.
7. We normally publish all responses on our website. However, if you do not wish your response to be made public then please clearly mark it as not for publication. We prefer to receive responses in an electronic form so they can be placed easily on our website.
8. If we decide to make the proposed modification, it will take effect not less than 56 days after the decision is published.

Rachel Clark,
Programme Director, Switching Programme
Duly authorised on behalf of the Gas and Electricity Markets Authority

15 October 2018

Schedule 1 - Proposed modification of Standard Condition 3 of the electricity interconnector licence

We propose to insert new paragraph:

Duty to cooperate

3.4 The licensee will cooperate, as necessary, with the Authority and/or any person(s) appointed by the Authority or appointed pursuant to a direction of the Authority, to undertake any planning, project assurance and/or coordination/systems integration in order to give full effect to the conclusions of a "significant code review".

3.5. Such cooperation may include but not be limited to:

- a) the sharing of such information as reasonable, and constructive participation in industry engagement in order to undertake appropriate planning of changes to IT systems or industry standard operational processes system changes pursuant to the conclusions of a SCR;
- b) the provision of such data as may be identified and reasonably requested in order to undertake testing and/or the population of any new central systems;
- c) the preparation and cleansing of such data as may reasonably be requested in order to facilitate live operation of the new central system;
- d) the provision of test scripts and results of any testing as may be requested by any person appointed to assure the success of any testing;
- e) all reasonable steps to:
 - i) meet key programme milestones for the completion of any action(s) assigned to the licensee;
 - ii) adhere to any remedial plan put in place to address any issues, delays or slippage that may impact the licensee's ability to meet programme milestones, to the extent that failure to do so may jeopardise the successful and timely implementation of the programme;
 - iii) identify any dependencies that the licensee may have upon agents or other third-parties and secure the necessary support from such parties; and,
 - iv) promptly escalate and/or resolve any disputes that if unresolved may jeopardise the fulfilment of these obligations.

and modify:

~~3.43.6~~ In this condition:

"Distribution Code"	means any distribution code required to be prepared by a licensed distributor pursuant to standard condition 9 (Distribution Code) of a distribution licence and approved by the Authority and revised from time to time with the approval of the Authority
"distribution licence"	means a distribution licence as granted under section 6(1)(c) of the Act
"licensed distributor"	means a person who holds a distribution licence

“significant code review”

Significant Code Review means a review of matters which the Authority considers are likely to relate to one or more of the documents referred to in this condition, or to which the licensee is required under this licence to be a party, and concerning which the Authority has issued a notice to the parties stating that the review will constitute a significant code review.