

**COMPETITION IN CONNECTIONS  
CODE OF PRACTICE PANEL**

Teleconference  
Tuesday 10<sup>th</sup> July 2018, 2pm

Attendees:

Tim Hughes (chair)	TH	WPD
Brian Hoy	BH	ENW
David Overman	DO	CNA
Neil Magrath	NM	UKPN
Chris Roe	CR	EON
Patrick Daly	PD	MCCG
Colin Jamieson	CJ	CNA
Graham Smith	GS	HEA
Maryline Guinard	MG	SSE
Neil Fitzsimons	NF	Power On Connections
Paul McGimpsey	PM	SPEN
Steve Rogers	SR	UKPN
Tom Watson	TW	ENA

**1. Welcome and introductions**

TH welcomed the group to the meeting.

**2. Awareness of Competition Act**

TH reminded the Group of the need to adhere to the obligations of the Competition Act; he noted that Competition Act reminder should in future be included on all agendas circulated. The Group agreed to comply and no-one had any issues.

**3. Review of previous minutes**

The group agreed that the minutes were an accurate record of the previous meeting and no points of accuracy were raised.

**4. P. Daly modification proposal**

TH gave a brief recap of the last meeting’s proceedings in relation to PD modification proposal, and provided PD with an opportunity to begin the discussion.

PD reiterated the basis of his proposal – that internal connections businesses should not be treated differently from independent connection providers. He did not ask for further requirements to be placed on DNOs – rather that the exclusion under paragraph 2.2.1 is removed. TH asked how excluding 2.2.1 will help; PD suggested that, when reading the CiC CoP, it may change any developers’ perception that the DNO may be relieved of its obligations to provide equitable services. TH invited views.

NM questioned whether this was the right forum to begin this discussion and queried whether the whole document would need to be rewritten to account for changes in practice which would be a significant piece of work. He asked if the intention is for DNOs to follow same processes as ICPs, as then they have a number of obligations and would therefore have to review how they can ensure compliance with other external considerations. He suggested it may be best to look for guidance from Ofgem in the first instance, and consider

other examples of best practice from other DNOs across UK as an alternative to making major changes to the Code of Practice.

BH asked whether instead of removing the clause completely the wording in question could be amended to clarify requirements of the CoP. There followed a discussion around the original intent of the wording and how this could be construed in a different way. The alternative to clarification would be to remove 2.2.1 altogether although the intent of the document would need to be made plain throughout the rest of the document. The Panel was open to exploring both options through a working group.

DO asked whether referring back to the conditions of the licence would be a workable solution – it is made clear there that DNOs are obliged to treat the ICPs the same way they would treat their own business. PD stated that SLC52 almost appears to be in conflict with 2.2.1 and indicated this would be a reasonable proposal were it to be considered by a working group.

There was a discussion around the implications of the change for DNOs and ensuring greater clarity to remove the potential for misinterpretation. It was suggested that removal of 2.2.1 would not have an impact on the rest of the document and that it would in practice remove any doubt. An impact assessment would be unlikely to make any material change on what DNOs do on a day-to-day basis. PD agreed it would have little impact on most parties but stated it could change the perception and behaviour of a third party.

The group discussed the importance of defining the intent of the working group clearly from the outset – how narrow its objectives and resulting activities should be.

NF suggested the intent submitted in the Modification Proposal needs to be clarified. The written proposal intent currently differs from the discussion that has taken place. There was a question around whether the issue is clause 2.2.1 or the compliance of the whole document with Article 101 and 102 as stated in the original proposal. PD indicated the former.

The group agreed the Modification Proposal form needs to be populated sufficiently in order to be clear on the wording that is being voted on, and suggested that PD complete and circulate this so that voting on whether to set up a working group can take place via email. Following discussion the Panel agreed to amend the Modification Proposal Intent to state: 'To review 2.2.1 to ensure that the drafting reflects the express objectives and principles of SLC52'.

**ACTION**

PD

Send an updated version of the Modification Proposal form by Friday 12<sup>th</sup> July 2018.

**ACTION**

ENA

Circulate updated Modification Proposal by end of Monday 16<sup>th</sup> July latest and invite voting.

**5. AOB**

No other business was raised.

**6. Date of next meeting**

ENA confirmed the next Panel meeting scheduled for 27<sup>th</sup> September 2018.

**Actions**

#	DATE	DESCRIPTION	OWNER	STATUS
1	11 July 2018	Send an updated version of the modification proposal form by Friday.	PD	
2	11 July 2018	Circulate updated mod proposal by end of Monday (16 <sup>th</sup> ); invite voting.	ENA	