

**COMPETITION IN CONNECTIONS
CODE OF PRACTICE**

Review of DNO Exclusion at 2.2.1 Modification Working Group

3pm, Wednesday 21st November 2018
Teleconference Minutes

Attendees

Brian Hoy	BH	ENWL
Patrick Daly	PD	PN Daly Ltd.
Paul McGimpsey	PM	SPEN
Steve Rogers	SR	UKPN
Neil Fitzsimons	NF	Power On Connections
Drew Johnstone	DJ	Northern Powergrid
Tom Watson	TW	ENA

Minutes

1. Welcome and introductions

TW welcomed the group, and noted the upcoming Code of Practice Panel meeting on 12th December, which will require the preparation of a progress report from the working group (to be submitted by the 5th). PD agreed to contribute detail of content.

2. Competition Act awareness

TW outlined the requirements of the Competition Act as stated in the agenda. No objections were raised.

3. Election of chair (initial meeting only)

n/a

4. Review and revise proposed modification

There are now four proposals for amendments in PD document circulated: two previous, two additional from PD. PD believed third option reflected current situation (designed to reflect language in SLC52); fourth option removed first bullet.

BH noted that he would find it difficult to comment as the document were circulated only shortly before the call. PD asked for direction and TW observed members must thoroughly consider proposals and therefore it may be necessary to reschedule the call. NF sought some clarity around the exact changes to wording of the two additional options. BH claimed that option four has redefined the scope of the document and disagreed with it; PD claimed it was intended to provoke debate.

BH noted that the CiC document is clear although terms may not be fully defined in the licence. PD said he was principally concerned with the licence and not with the Code. NF asked the group to confirm its purpose is to scrutinise the Code, not the licence, and summarised PD's and BH's positions. PD and BH discussed one another's positions regarding input services and, specifically, whether the contestable element of the work can be excluded from being subject to the same processes and procedures the contestable work is when it is being carried out by another party – not clear on the basis of the exclusion.

BH reiterated that the CiC document was not intended to cover those situations. PD stated that reference only to input services and only to those being excluded from the document, there is no debate. Including elements of work in competition and subject to competition law, and excluding them from the requirements of the document, is hard to justify.

NF proposed fifth option of dropping bullet point in 2.2.1 and leaving it as is. BH suggested the purpose of an alternative drafting would be to ask people whether it provides extra clarity to the casual reader. The group agreed to reconvene in two to three weeks, and BH and PD agreed to meet in person the interval to discuss the issue and circulate something to the group toward the end of w/c 26th Nov.

5. Identify future actions

#	Date	Description	Owner	Status
1	21 Nov 18	Work together to prepare progress report for 12 th Dec. Panel meeting	TW, PD	
2	21 Nov 18	Prepare options for consideration by wider working group; circulate before end w/c 26 th Nov.	BH, PD	
3	21 Nov 18	Consider redrafted proposals for discussion at next meeting	All	

6. Future meeting dates

The group scheduled another call for 4pm, Monday 10th December.