

**Competition in Connections Code of Practice – Consultation Response Form**

**0006 – G39 Self-Authorisation**

**Email:** [**code.administrator@energynetworks.org**](mailto:code.administrator@energynetworks.org)

**Response Deadline: 5pm, 19th October 2018**

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| **Name:** | **Brian Hoy** |
| **Role:** | **DNO** |
| **Organisation:** | **Electricity North West Ltd** |
| **Email address:** | **brian.hoy@enwl.co.uk** |
| **Phone number:** | **08433 113 720** |
| **Confidential?** | **No** |
| **If confidential, please specify why[[1]](#footnote-1):** | **N/A** |

**Questions**

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| 1. **Do you agree with the proposed amendments to paragraph 5.2.2 of the Code of Practice? (see Appendix One)** |
| We agree with the proposed amendments in principle however we don’t believe the current drafting quite works and have suggested some changes in the response to Question 3 below.  Proposed drafting  *“5.2.2 G39 authorisation shall be either:*  *5.2.2.1 By the employer after ensuring that the relevant employee has been appropriately trained, assessed as competent & authorised (in accordance with the requirements of the Highway Electrical Registration Scheme – HERS) or*  *5.2.2.2 By the DNO, or the IDNO, at the request of the employer.*  *5.2.2.3 Where employers work across more than one DNO / IDNO area, then training and/or authorisations relating to G39 authorisations accepted by one DNO / IDNO shall be accepted by other DNOs / IDNOs.”*  In our view 5.2.2 refers to “either” but there are three subsections 5.2.2.1 – 5.2.2.3 below with no linkage (such as “and” or “or”) at the end of 5.2.2.2.  In addition the scope of the Code of Practice states –  *“2.1.1 This code of practice applies to all the activities undertaken by DNOs in facilitating the competitive market for the provision of Connections. It includes, but is not restricted to, the end-to-end processes, practices and requirements that a DNO will use where an ICP seeks to undertake the Contestable Works”*.  Our view is that this means that the proposed amendments will only apply where the G39 is held by an ICP as that is the scope of the Code of Practice. We have no issue with the extension of this principle to non ICPs but wish to note that we believe it is outside the scope of the Code of Practice. |
| 1. **Do you believe that the modification proposal meets the Code of Practice Relevant Objectives (as stated in paragraph 4.3) more effectively?** |
| We believe the modification will meet the following objectives more effectively:    2.3.1 a) facilitate competition in the market for new electricity distribution connections through:  i) minimising, to the fullest extent reasonably practicable, the number and scope of Input Services which are only available from the licensee;  iii) harmonising, to the fullest extent reasonably practicable, the Input Services provided by Distribution Service Providers. |
| 1. **Do you believe there is a better way in which the Code of Practice Relevant Objectives might be met than through the changes proposed?** |
| We believe the legal text should be redrafted to the text below. We do not think this changes the intent but makes the drafting clearer.  *“5.2.2 G39 authorisation shall be issued by either:*  *5.2.2.1 The employer after ensuring that the relevant employee has been appropriately trained, assessed as competent & authorised (in accordance with the requirements of the Highway Electrical Registration Scheme – HERS) or*  *5.2.2.2 The DNO, or the IDNO, at the request of the employer. Where employers work across more than one DNO / IDNO area, then training and/or authorisations relating to G39 authorisations accepted by one DNO / IDNO shall be accepted by other DNOs / IDNOs.”* |
| 1. **Do you have any other comments or observations you would like the Working Group to take into account?** |
| The compliance report section of the Code of Practice, Section 5.2 page 57, will need a change to mirror any new legal text. |

1. All responses marked as confidential will not be published on the Competition in Connections Code of Practice website. However, all response forms will be made available to all working group members and the Governance Panel to view. [↑](#footnote-ref-1)