

**COMPETITION IN CONNECTIONS
CODE OF PRACTICE**

Review of DNO Exclusion at 2.2.1 Modification Working Group

2pm, Friday 12th October 2018
Teleconference Minutes

Attendees:

Brian Hoy	BH	ENWL
Colin Fletcher	CF	Eclipse Power
Drew Johnstone	DJ	Northern Powergrid
Jayson Whitaker	JW	Energy Assets
Patrick Daly	PD	PN Daly Ltd.
Steve Rogers	SR	UKPN
Tom Watson	TW	ENA

1. Welcome and introductions

TW provided an introduction and outlined the aims of the meeting – namely to come to a common understanding of the modification process, to review the proposal itself, and to agree a future timeline.

2. Competition Act awareness

TW outlined the requirements of the Competition Act as stated in the email invitation to join the working group and appended to the meeting agenda. No objections were raised.

3. Election of chair (initial meeting only)

JW proposed PD to chair. PD raised some concerns around the requirements placed on the chair, and BH walked through the role of the chair through the modification. PD was voted in unanimously.

4. Review and revise proposed modification

PD outlined SLC55 and aims of Code of Practice, and how his proposed modification better meets the Relevant Objectives of the Code: that in principle there should not be an outright exclusion of DNOs – possibly a more refined list of inclusions and exclusion rather than a blanket exclusion.

BH recognised the objectives of the modification proposal and asked about different ways of addressing PD's issue, including more explicit alternative drafting of the Code of Practice wording. PD presented some examples of where the current wording leads to difficulties, including unequal levels of risk. BH outlined a hypothetical example of anti-competitive behaviour that one reading of the wording could lead to.

Someone proposed anonymising examples as part of the modification and consultation process to explain clearly why the proposal has been made. PD noted that there is a perception issue as well as a material issue, and that proposals should tackle both. BH observed that the proposal is intended to remove any misunderstanding, not create new obligations (i.e. clarify existing one).

BH and PD agreed to assemble some draft wording over the coming weeks and circulate to the group in advance of a second meeting in two to three weeks' time.

ACTION

PD

Draft proposed wording for consultation document

ACTION

BH

Draft wording for proposed legal text changes

ACTION

ENA

Schedule second meeting

ACTION

ENA

Share current consultation documentation with PD

5. Identify future actions

#	Date	Description	Owner	Status
1	12 Oct 2018	Draft proposed wording for consultation document	PD	Open
2	12 Oct 2018	Draft wording for proposed legal text changes	BH	Open
3	12 Oct 2018	Schedule second meeting	ENA	Open
4	12 Oct 2018	Share current consultation documentation with PD	ENA	Open

6. Future meeting dates

The group agreed to hold a second teleconference in two to three weeks' time – exact date to be confirmed.