

**COMPETITION IN CONNECTIONS
CODE OF PRACTICE**

Review of DNO Exclusion at 2.2.1 Modification Working Group

3pm, Wednesday 7th November 2018
Teleconference Minutes

1. Welcome and introductions

| | | |
|-----------------|----|----------------------|
| Brian Hoy | BH | ENWL |
| Jayson Whitaker | JW | Energy Assets |
| Patrick Daly | PD | PN Daly Ltd. |
| Steve Rogers | SR | UKPN |
| Neil Fitzsimons | NF | Power On Connections |
| Paul Smith | PS | WPD |
| Tom Watson | TW | ENA |

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

PD restated the background of the relevant licence requirements with a view to establishing whether and how it could be reviewed. BH and PD discussed the aims and work of the working group and how best to achieve. Debate around what SLC52 covers: e.g. input services, non-contestable services.

PD proposed taking advice from Ofgem if necessary. BH clarified the definition of input services; PD proposed going back to the author of the Code of Practice to establish the intention behind the wording.

BH proposed to bring Ofgem representative onto the working group and seek clarity on b.ii and 52.ii. He also floated the idea of a face-to-face meeting at ENA, and raised concerns with the legal text drafted by BH.

NF clarified the duties and obligation on licensees as laid out in the Code of Practice. PD proposed to seek clarity from Ofgem but BH stated that the Code of Practice appears to provide sufficient clarity. NF proposed to document ambiguity. The group discussed provision of services on an equivalent basis. BH restated the aims of the modification proposal, i.e. to clarify an ambiguity in the wording of 2.2.1.

NF stated that evidence that DNOs are treating external companies differently in relation to the provision of input services would mean they would be in breach of the licence and could be referred to the regulator. SR noted the change in subject under discussion; some clarification of the original intent of the document could be useful.

NF noted BH's two drafts plus the option of dropping the first bullet – invited views from others. BH observed that the Code of Practice that the document was not intended to cover

situations where the DNO is doing all the work. PD wanted to understand the obstacles the dropping the bullet. BH noted that the bullet was intended to make it clearer to a reader.

The options remain removal followed by the two options proposed by BH. Group to remain open to additional proposals for discussion at next meeting.

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 | Closed |
| 3 | 12 Oct 2018 | Schedule second meeting | ENA | Closed |
| 4 | 12 Oct 2018 | Share current consultation documentation with PD | ENA | Closed |
| 5 | 7 Nov 2018 | Consider additional proposals for redrafting for discussion at next meeting. | All | Open |

6. Future meeting dates

The group agreed to hold a third teleconference – 3pm on 21st November.