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Friday 6 September 2013

Dear Andy,

1. Thank you for your letter of 30 August 2013 related to the request made by Electralink on 25 June 2013 for Ofgem to allow me to submit a DCUSA change proposal relating to the EDCM charging methodologies.
2. I could not find in your letter any explicit decision on the request to designate me for the purpose of clause 10.2 of DCUSA. Presumably silence means refusal.
3. The reasons given in your letter suggest that you might have misdirected yourself, by examining the question of whether I fall in the category of people which DNOs are obliged under their licence to allow to raise DCUSA modification proposals. You should probably instead have examined how Ofgem should exercise its own powers under clause 10.2 of DCUSA (in the light of Ofgem's statutory duties).
4. You say that after reviewing my note of 17 July 2013 you are "still not satisfied" that I am materially affected by the relevant charging methodology. There is no need for dissatisfaction: I highlighted my lack of personal interest in my note. I shall continue to help DCMF MIG build a solution because I think that taking part in DCMF MIG implies a duty to help improve the methodologies irrespective of financial interests.
5. Observing Ofgem's conduct in this case has strengthened my fear that the National Terms of Connection and the DCUSA charging methodologies might not be subject to meaningfully open governance. That fear had also been stoked by Ofgem's failure to publish the change proposals and change reports that it makes decisions about.
6. I should be grateful if you could supply a list of cases in which Ofgem has engaged in discussions about the possibility of non-DCUSA parties submitting DCUSA change proposals, with details of Ofgem's advice or decision, and reasoning, in each case.
7. You said that you were not averse to the issue addressed by my proposal being considered. On this occasion, your actions have spoken louder than your words.

Yours sincerely,

Franck Latrémolière

Background and chronology

The object of my change proposal would have been to address an issue recorded as “issue 63” by the Methodologies Issues Group (DCMF MIG).

The chronology of events has been as follows.

10 May 2013	I sent an issue form to Electralink (who provides secretarial services for DCMF MIG).
13 May 2013	Electralink circulated the issue form as part of the documents for the DCMF MIG meeting on 16 May 2013.
16 May 2013	DCMF MIG had an initial discussion of the issue.
20 June 2013	DCMF MIG had a second discussion of the issue and decided that a change proposal should be prepared to address it, and that permission should be sought from Ofgem for me to raise that change proposal.
25 June 2013	Electralink wrote to Ofgem seeking that permission.
15 July 2013	Electralink forwarded an email from Ofgem commenting on the request of 25 June 2013.
17 July 2013	I circulated my comments on Ofgem’s email of 15 July 2013.
18 July 2013	DCMF MIG met (I was not present), discussed the situation and invited Ofgem to explain its position on the raising of DCUSA CPs by non-DCUSA Parties at the next DCMF MIG meeting.
15 August 2013	DCMF MIG met, discussed the situation, and Ofgem undertook to put its reason for refusing permission in writing.
30 August 2013	I received a letter from Ofgem which did not give permission.