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MP071 ‘Second-Comer Charging’

Annex A

Legal text – version 0.1

About this document

This document contains the redlined changes to the SEC that would be required to deliver this Modification Proposal.

These changes have been drafted against SEC Version 6.12.

Section K ‘Charging Methodology’

Amend Section K7.8 as follows:

Second-Comer Contributions

K7.8 This Section K7.8 applies only in respect of the Explicit Charging Metrics referred to in Sections K7.5~~(c), (d)~~, (f) and (g) (~~‘LV gateway connection’, ‘HV gateway connection’,~~ ‘elective service evaluation’ and ‘P&C support’). Subject to Section K7.10, where:

- (a) the DCC makes an offer in respect of any proposed Explicit Charging Metric to a person (the “**subsequent person**”); and
- (b) prior to such offer being made to the subsequent person, another person (the “**initial contributor**”) was obliged to pay Explicit Charges designed to recover any costs (the “**relevant costs**”) that would otherwise (in accordance with this Charging Methodology) have been recoverable from the subsequent person,

then the DCC shall make an offer to the subsequent person that requires that subsequent person to pay by way of Explicit Charges such a contribution to the relevant costs as may be reasonable in all the circumstances.

K7.9 Subject to Section K7.10, where an offer made by the DCC that includes an element of relevant costs is accepted by the subsequent person, the DCC shall (following payment by the subsequent person) offer such rebate to the initial contributor as may be reasonable in all the circumstances.

K7.10 Sections K7.8 and K7.9 shall not apply:

- (a) where the relevant costs are less than £20,000;
- (b) where the relevant costs are between £20,000 and £500,000 (inclusive), and the initial contributor’s offer for the Explicit Charging Metric was accepted more than 5 years before the offer to the subsequent contributor is made;
- (c) where the relevant costs are more than £500,000, and the initial contributor’s offer for the Explicit Charging Metric was accepted more than 10 years before

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the offer to the subsequent contributor is made; and/or

- (d) where the initial contributor no longer exists or cannot be contacted by the DCC following reasonable enquiry.

K7.11 All references to an initial contributor in this Section K7 shall, in respect of any subsequent person, be interpreted so as to include any person that was previously a subsequent person in respect of the relevant costs in question and that paid Explicit Charges designed to recover an element of those relevant costs.