

This document is classified as **White** in accordance with the Panel Information Policy. Information can be shared with the public, and any members may publish the information, subject to copyright.

Paper Reference:	SECCB_38_2201_02
Action:	For Decision

MP079 Change Board vote

1. Purpose

[MP079 'Provisions for withdrawing modifications'](#) has undergone Modification Report Consultation and is now being presented to the Change Board for vote. The Change Board is invited to recommend whether MP079 should be approved or rejected by the Authority.

This paper provides a high-level summary of the key points. Full details can be found in the Modification Report in Appendix A and the responses received to the Modification Report Consultation in Appendix B.

2. Summary of the proposal

What is the issue?

A key frustration voiced by many Parties is that the SEC does not provide the power for anyone apart from the Proposer to withdraw a modification. The primary concern raised is that there have been numerous examples where a lot of time, resource and cost has been put into Modification Proposals that are not going to progress for valid reasons or are unlikely to be implemented. Equally, there are cases where Proposers are not engaged with the process and have actively requested that their proposals effectively sit in stasis.

The improvements SECAS has recently introduced to the framework attempt to nullify this risk. The new Development Stage helps to ensure proposals are fully thought through and supported before they progress. Equally, requiring Change Board approval prior to incurring the cost of a DCC Impact Assessment seeks to prevent nugatory costs and effort during the Refinement Process.

However, these preventative measures can only go so far, especially since these rely on the Proposer acting on the views of the Change Sub-Committee or the Change Board. A Proposer is within their right to ignore the views of the wider industry and continue to progress their proposal to decision, even if it is clear it is not required, feasible or supported.

What is the Proposed Solution?

MP079 proposes to extend the powers to withdraw a Modification Proposal to the Panel. This will provide a suitable check and balance to mitigating industry cost and effort in having to assess and develop proposals that have been clearly shown to be unsupported by Parties, are unfeasible due to the cost and lack of impact or have stagnated due to a combination of the two previous scenarios.

The Panel will need to abide by the following principles in a case of a potential withdrawal:

- The Panel will first need to set out clear rationale for why it believes a proposal should be withdrawn and provide the Proposer and SEC Parties with an opportunity to respond.
- The Panel will then need to consider the views raised when making the decision.
- The Proposer will have the right to appeal the Panel's decision to withdraw a proposal to the Authority. Should an appeal be upheld, the decision to withdraw would be overturned.

The Panel must provide clear rationale against the SEC Objectives for a potential withdrawal, and take on board views from the Change Sub-Committee and the Working Group.

3. Modification Report Consultation responses

Seven responses were received in the Modification Report Consultation. All seven respondents (three Large Suppliers and four Networks Parties) believe MP079 should be implemented as it will better facilitate SEC Objective (g)¹.

One respondent raised a question regarding the legal text where they believed there was some ambiguity surrounding Authority-initiated Modifications. The term 'Modification Proposal' is generic and covers Authority-initiated, Authority Determined and Self-Governance modifications. It is worth noting that upon reviewing the legal text we noticed a discrepancy with a cross-reference in Section D5.8. This has now been corrected to refer to Section D5.6.

Another respondent queried whether the Modifications Register will be updated to identify modifications under appeal. The Modifications Register is updated weekly and will show when a modification is under appeal.

4. Next steps

Determination approach

The Panel has determined that MP079 should be submitted for Authority determination. The Change Board's vote will therefore form a recommendation to the Authority, who will make the final decision.

Implementation approach

The Panel has agreed the following implementation approach of:

- **25 June 2020** (June 2020 SEC Release) if a decision to approve is received by 11 June 2020; or
- **5 November 2020** (November 2020 SEC Release) if a decision to approve is received after 11 June 2020 but by 22 October 2020.

¹ Facilitate the efficient and transparent administration and implementation of the SEC

5. Recommendations

The Change Board is requested to:

- **AGREE** that MP079 should proceed to vote;
- **RECOMMEND** to the Authority whether MP079 should be **APPROVED** or **REJECTED**; and
- **PROVIDE** rationale for this recommendation against the General SEC Objectives.

Bradley Baker

SECAS Team

15 January 2020

Attachments

- **Appendix A:** MP079 Modification Report
 - **Annex A:** MP079 business requirements
 - **Annex B:** MP079 legal text
- **Appendix B:** MP079 Modification Report Consultation responses