

DISTRIBUTION CODE MODIFICATION PROPOSAL FORM

Modification Proposal submitted By: Tony Hearne	DATE OF SUBMISSION OF PROPOSAL: 4 th August 2020	Modification Proposal Number: <i>(to be assigned by Review Panel Secretary)</i> #47
CONTACT DETAILS FOR MODIFICATION PROPOSAL ORIGINATOR: (IF NOT DISTRIBUTION CODE REVIEW PANEL)		
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MODIFICATION PROPOSAL TITLE:	Addition of RfG derogation process to Distribution Code	
DISTRIBUTION CODE SECTION(S) AFFECTED BY PROPOSAL		
Distribution General Conditions		



- DGC12 RfG Unit Derogation Procedure

- DGC12.1 Power to Grant Derogations

CRU may, at the request of a Generator, or the DSO, grant a Generator or the DSO derogations from one or more RfG Generation Unit clauses in the Distribution Code for RfG Generation Units and Non-RfG Generation Units in accordance with DGC12.2, DGC12.3 and DGC12.4. Derogations may be granted and revoked in accordance with DGC12.2, DGC12.3 and DGC12.4 by other authorities than the CRU.
- DGC12.2 General Provisions
- DGC12.2.1 The criteria specified by CRU to assess derogations pursuant to DGC12.3 and DGC12.4 are specified in form DIST NCDF1 and DIST NCDF2 respectively.
- DGC12.2.2 If CRU deems that it is necessary due to a change in circumstances relating to the evolution of system requirements, it may review and amend at most once every year the criteria for granting derogations as referenced in DGC12.2. Any changes to the criteria shall not apply to derogations for which a request has already been made.
- DGC12.2.3 CRU may decide that Generation Units for which a request for a derogation has been filed pursuant to DGC12.3 or DGC12.4 do not need to comply with RfG Generation Unit clauses in the Distribution Code from which a derogation has been sought from the day of filing the request until the CRU's decision is issued.

- DGC12.3 Request for a Derogation by a Generator
- DGC12.3.1 Generators may request a derogation to one or several RfG Generation Unit clauses in the Distribution Code for Generation Units within their Facility.
- DGC12.3.2 A request for a derogation shall be filed with the DSO using form DIST NCDF1 and include:

- (a) an identification of the Generator, and a contact person for any communications;
- (b) a description of the Generation Unit(s) for which a derogation is requested;
- (c) a reference to the RfG Generation Unit clauses in the Distribution Code from which a derogation is requested and a detailed description of the requested derogation;
- (d) detailed reasoning, with relevant supporting documents and cost-benefit analysis;
- (e) demonstration that the requested derogation would have no adverse effect on cross-border trade.

- DGC12.3.3 Within two weeks of receipt of a request for a derogation, the DSO shall confirm to the Generator whether the request is complete. If the DSO considers that the request is incomplete, the Generator shall submit the additional required information within one month from the receipt of the request for additional information. If the Generator does not supply the requested information within that time limit, the request for derogation shall be deemed withdrawn.
- DGC12.3.4 The DSO shall assess the request for derogation and the provided cost-benefit analysis, taking into account the criteria determined by the CRU pursuant to DGC12.2.
- DGC12.3.5 Within six months of receipt of a request for derogation, the DSO shall forward the request to the CRU and submit the assessment(s) prepared in accordance with DGC12.3.4. That period may be extended by one month where the DSO seeks further information from the Generator.
- DGC12.3.6 The CRU shall adopt a decision concerning any request for derogation within six months from the day after it receives the request. That time limit may be extended by three months before its expiry where the CRU requires further information from the Generator, or from any other interested parties. The additional period shall begin when the complete information has been received.
- DGC12.3.6 The Generator shall submit any additional information requested by the CRU within two months of such a request. If the Generator does not supply the requested information within that time limit, the request for derogation shall be deemed withdrawn unless, before its expiry:
- (a) the CRU decides to provide an extension; or
 - (b) the Generator informs the CRU by means of a reasoned submission that the request for a derogation is complete.
- DGC12.3.7 The CRU shall issue a reasoned decision concerning a request for derogation. Where the CRU grants a derogation, it shall specify its duration.
- DGC12.3.8 The CRU shall notify its decision to the relevant Generator and the DSO.
- DGC12.3.9 The CRU may revoke a decision granting a derogation if the circumstances and underlying reasons no longer apply or upon a reasoned recommendation of the European Commission or reasoned recommendation by ACER pursuant to DGC12.6.2.
- DGC12.4 Request for a Derogation by the DSO
- DGC12.4.1 The DSO may request derogations for classes of Generation Units connected or to be connected to their Network.
- DGC12.4.2 The DSO shall submit their requests for derogations, using form DIST NCDF2, to the CRU. Each request for a derogation shall include:
- (a) identification of the DSO, and a contact person for any communications;
 - (b) a description of the Generation Units for which a derogation is requested and the total installed capacity and number of Generation Units;
 - (c) the RfG Generation Unit clauses in the Distribution Code for which a derogation is requested, with a detailed description of the requested derogation;
 - (d) detailed reasoning, with all relevant supporting documents;

	<p>(e) demonstration that the requested derogation would have no adverse effect on cross-border trade;</p> <p>(f) a cost-benefit analysis.</p>
DGC12.4.3	The CRU shall adopt a decision concerning a request for derogation within six months from the day after it receives the request.
DGC12.4.4	<p>The six-month time limit referred to in DGC12.4.3 may, before its expiry, be extended by an additional three months where the CRU requests further information from the DSO requesting the derogation or from any other interested parties. That additional period shall run from the day following the date of receipt of the complete information.</p> <p>The DSO shall provide any additional information requested by the CRU within two months from the date of the request. If the DSO does not provide the requested additional information within that time limit, the request for derogation shall be deemed withdrawn unless, before expiry of the time limit:</p> <p>(a) the CRU decides to provide an extension; or</p> <p>(b) the DSO informs the CRU by means of a reasoned submission that the request for derogation is complete.</p>
DGC12.4.5	The CRU shall issue a reasoned decision concerning a request for derogation. Where the CRU grants a derogation, it shall specify its duration.
DGC12.4.6	The CRU shall notify its decision to the DSO and ACER.
DGC12.4.7	The CRU may lay down further requirements concerning the preparation of requests for derogation by the DSO. In doing so, the CRU shall take into account the delineation between the transmission system and the distribution system at the national level and shall consult with system operators, Generators and stakeholders, including manufacturers.
DGC12.4.7	The CRU may revoke a decision granting a derogation if the circumstances and underlying reasons no longer apply or upon a reasoned recommendation of the European Commission or reasoned recommendation by ACER pursuant to DGC12.6.2
DGC12.5	Register of Derogations
DGC12.5.1	The CRU shall maintain a register of all derogations they have granted or refused and shall provide ACER with an updated and consolidated register at least once every six months, a copy of which shall be given to ENTSO for Electricity.
DGC12.5.2	<p>The register shall contain, in particular:</p> <p>(a) the requirement or requirements for which the derogation is granted or refused;</p> <p>(b) the content of the derogation;</p> <p>(c) the reasons for granting or refusing the derogation;</p> <p>(d) the consequences resulting from granting the derogation.</p>
DGC12.6	Monitoring of Derogations
DGC12.6.1	ACER shall monitor the procedure of granting derogations with the cooperation of the CRU. The CRU shall provide ACER with all the information necessary for that purpose.
DGC12.6.2	ACER may issue a reasoned recommendation to the CRU to revoke a derogation due to a lack of justification. The European Commission may issue a reasoned recommendation to the CRU to revoke a derogation due to a lack of justification.
DGC12.6.3	The European Commission may request ACER to report on the application of DGC12.6.1 and DGC12.6.2 and to provide reasons for requesting or not requesting derogations to be revoked.

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MODIFICATION PROPOSAL JUSTIFICATION *(Clearly state the reason for the modification. Attach further information if necessary)*

The RoI national implementation of the derogation process for connection codes, has been published and approved by CRU for some time now. There is an action on the DSO to include in the Distribution Code.

IMPLICATIONS OF NOT IMPLEMENTING THIS MODIFICATION

ESB Networks as DSO will be in breach of its legal obligations with regard to the adoption of the RfG Network Code.

PLEASE SUBMIT MODIFICATION PROPOSALS TO THE PANEL SECRETARY BY E-MAIL TO: DistCodePanel@mail.esb.ie