

DISTRIBUTION CODE MODIFICATION PROPOSAL FORM

Modification Proposal submitted By: Wind Prospect (on behalf of distribution Code review panel)	DATE OF SUBMISSION OF PROPOSAL: 19/11/2015 09/10/2017 (Amendment)	Modification Proposal Number: <i>(to be assigned by Review Panel Secretary)</i> #41
CONTACT DETAILS FOR MODIFICATION PROPOSAL ORIGINATOR: (IF NOT DISTRIBUTION CODE REVIEW PANEL		
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MODIFICATION PROPOSAL TITLE:	DCRP Class Derogation	
DISTRIBUTION CODE SECTION(S) AFFECTED BY PROPOSAL Multiple Clauses. See attached "170105 ESB Distribution Grid Code - class order MU NMO (ESBN and EG Amendments)"		
MODIFICATION PROPOSAL DESCRIPTION <i>(Clearly state the desired amendment and all text changes. Attach further information if necessary)</i> See below extract:		
MODIFICATION PROPOSAL JUSTIFICATION <i>(Clearly state the reason for the modification. Attach further information if necessary)</i> The purpose of this derogation application submission is to allow the relevant System Operators or Distribution Code Review Panel to propose derogations to the CER, rather than requiring each individual affected party to make a bespoke application.		
IMPLICATIONS OF NOT IMPLEMENTING THIS MODIFICATION		
PLEASE SUBMIT MODIFICATION PROPOSALS TO THE PANEL SECRETARY BY E-MAIL TO: DISTCODEPANEL@MAIL.ESB.IE		

DGC11 DEROGATIONS

DGC11.1 Single Derogations

If a User finds that it is, or will be unable to comply with any provision of the Distribution Code, then it shall without delay report such non-compliance to the DSO and shall, subject to the provisions of DGC11.2 make such reasonable efforts as are required to remedy such noncompliance as soon as reasonably practicable.

DGC11.1.1 Where the non-compliance is:

- (a) with reference to Plant and/or Apparatus connected to the Distribution System and is caused solely or mainly as a result of a revision to the Distribution Code; or
- (b) with reference to Plant and/or Apparatus which is connected, approved to connect, or for which approval to connect to the Distribution System is being sought;

and the User believes either that it would be unreasonable (including cost and technical considerations) to require it to remedy such non-compliance or that it should be granted an extended period to remedy such non-compliance it shall promptly submit to the Commission for Energy Regulation a request for a single derogation from such provision in accordance with the requirements of DGC11.3 and shall provide the DSO with a copy of such application.

DGC11.2 Class Derogations

If a User believes that:

- (a) a Class of Persons who are Users; or
- (b) persons using a Class of Plant and/or Apparatus connected to the Distribution System;

is, or are, or will be, unable to comply with any provision of the Distribution Code they should promptly submit a request for a class derogation to the DCRP.

DGC11.2.1 If the DCRP believes either that it would be unreasonable (including cost and technical considerations) to require the relevant Class of Persons, or persons using the relevant Class of Plant and/or Apparatus (collectively "the Class"), to remedy such non-compliance or that the Class should be granted an extended period to remedy such non-compliance the DCRP on behalf of (a) or (b) above shall promptly approve the submission of a Class Derogation request covering (a) or (b) above to the DSO for assessment. The DSO will request an assessment from the TSO and assess the Class Derogation request themselves.

- (a) If the DSO supports the request for a Class Derogation, the DSO will submit the Class Derogation request including the DSO and TSO assessment to the Commission for Energy Regulation in accordance with the requirements of DGC11.3. or
- (b) If the DSO does not support the request for a Class Derogation, the DSO will refer the request for a Class Derogation back to the DCRP

DGC11.3 A request for derogation from any provision of the Distribution Code shall contain:

- (a) the issue number and the date of the Distribution Code provision against which the non-compliance or predicted non-compliance was identified;
- (b) identification of the Plant and/or Apparatus, the Class of Persons who are Users, or the Class of Plant and/or Apparatus, in respect of which a derogation is sought and, if relevant, the nature and extent to which the non-compliance exists;
- (c) identification of the provision with which the User or Class is, or will be, unable to comply;
- (d) the reason for the non-compliance; and
- (e) the date by which compliance will be achieved (if remedy of the non-compliance is possible) subject to DGC11.2 (b).

Distribution Code Derogation Application forms are included in Annex 2.

- DGC11.4 If the DSO finds that it is, or will be, unable to comply with any provision of the Distribution Code, then it shall, subject to the remaining provisions of DGC11 make such reasonable efforts as are required to remedy such non-compliance as soon as reasonably practicable.
- DGC11.5 In the case where the DSO requests a derogation, the DSO shall submit the information set out in DGC11.3 to the Commission for Energy Regulation.
- DGC11.6 On receipt of any request for derogation, the Commission for Energy Regulation shall promptly consider such request and provided that the Commission considers that the grounds for the derogation are reasonable, the Commission shall grant such derogation unless the derogation would, or it is likely that it would have a material adverse impact on the security and stability of the Distribution System and/to the Transmission System or imposes unreasonable costs on the operation of the Distribution System or Transmission System or on other Users. In its consideration of a derogation request by a User, the DSO or the TSO, the Commission may contact the relevant User, or representatives of the Class, and or the DSO to obtain clarification of the request to discuss changes to request. Where the derogation may have an impact on the Transmission System, the DSO shall liaise with the TSO prior to providing an assessment to the Commission.

Derogation from any provision of the Distribution Code shall contain:

- (a) The issue number and the date of the Distribution Code provision against which the derogation applies;
- (b) Identification of the provision with which the derogation applies;
- (c) Identification of the Class of Persons who are Users, Plant and/or Apparatus, or Class of Plant and/or Apparatus, in respect of which a derogation applies and, if relevant, the nature and extent to which the derogation applies including alternate compliance provision;
- (d) The reason for the non-compliance requiring derogation;
- (e) The date by which the derogation ends if compliance will be achieved, or by which such derogation expires.

DGC11.7 To the extent of any derogation granted in accordance with this DGC11, the DSO and/or the User, the Class or persons using the Class of Plant and/or Apparatus (as the case may be) shall be relieved from its or their obligation to comply with the applicable provision of the Distribution Code and shall not be liable for failure to so comply but shall comply with any alternate provision as set forth in the derogation.

DGC11.8 DSO shall:

- (a) Keep a register of all derogations which have been granted, identifying the name of the person, or Class of Persons who are Users or Class of Plant and/or Apparatus, in respect of whom or which the derogation has been granted, the relevant provision of the Distribution Code and the period of the derogation; and
- (b) On request from any User, provide a copy of such register of derogations to such User.

DGC11.9 Where a material change in circumstance has occurred a review of any existing derogations, and any derogations under consideration, may be initiated by the Commission at the request of the Commission, DSO, or Users.

