

(1) EDF ENERGY (WEST BURTON POWER) LIMITED

(2) SSE GENERATION LIMITED

(3) THE ENTITIES LISTED IN SCHEDULE 1 TO THE NOTICE OF APPEAL

and-

GAS AND ELECTICITY MARKETS AUTHORITY

Decision on Permission to Intervene

1. On 6 December 2017, EDF Energy (West Burton Power) Limited and the other entities listed in paragraph 1 of the Schedule (EDF) and SSE Generation Limited and the other entities listed in paragraph 2 of the Schedule (SSE) applied to the Competition and Markets Authority (CMA) for permission to appeal, pursuant to section 173 of the Energy Act 2004 (the Act), the decision made by Ofgem, on behalf of the Gas and Electricity Markets Authority (GEMA), dated 16 November 2017, to reject the majority recommendation of CUSC Panel Members as to Code Modification Proposal CMP261 - modification of the Connection and Use of System Code (the Decision).
2. On 8 January 2018, National Grid Electricity Transmission plc (National Grid) made an application to become a party to this appeal pursuant to Rule 7 of the Energy Code Modification Rules 2005.
3. Under paragraph 2(2) of Schedule 22 to the Act, a person may apply to become a party to an appeal under section 173 of the Act if he is not the applicant for permission but is a person who would have been entitled to make his own application to the CMA for permission to appeal against the decision in question. The CMA is satisfied that National Grid would have had

standing to appeal the Decision under section 173(3)(a) of the Act and so has standing to intervene in the appeal for the purposes of paragraph 2 of Schedule 22 to the Act.

4. Under paragraph 2(1) of Schedule 22 to the Act, an application for permission to become a party to an appeal under section 173 must not be made after the end of twenty working days following the making of an application for permission to appeal (or within such longer period as an authorised member of the CMA may allow). The application of National Grid was made in time.
5. Accordingly, in accordance with paragraph 2(5) of Schedule 22 to the Act, I direct on behalf of the CMA that National Grid becomes a party to the appeal.

John Wotton
Authorised Member of the CMA
10 January 2018