

(1) SSE GENERATION LIMITED

(2) THE ENTITIES LISTED IN THE SCHEDULE

Appellants

- and -

GAS AND ELECTRICITY MARKETS AUTHORITY

Respondent

NATIONAL GRID ELECTRICITY SYSTEM OPERATOR LIMITED

Intervener

Directions to become a party to the Appeal

1. On 21 January 2021, the Competition and Markets Authority (CMA) granted SSE Generation Limited and the other entities listed in the Schedule below (SSE) permission to appeal, pursuant to section 173 of the Energy Act 2004 (the Act), the decisions made by Ofgem, on behalf of the Gas and Electricity Markets Authority (GEMA), dated 17 December 2020, approving proposals of modification, namely proposal CMP317 and proposal CMP327, and the consequential proposal CMP339 for modifications of the Connection and Use of System Code (CUSC) (the Decisions).
2. On 9 February 2021, National Grid Electricity System Operator Limited (NGESO) made an application to become a party to this appeal pursuant to

paragraph 2(1) of Schedule 22 to the Act and Rule 7 of the Energy Code Modification Rules 2005 (CC10) (the Rules).

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, at the time of the application, to make his own application to the CMA for permission to appeal against the decision in question. The CMA has determined that NGENSO would have been entitled, at the time of the application, to make its own application for permission to appeal against the Decision, under section 173(3)(a) of the Act (being a person whose interests are materially affected by the decision in question) and that NGENSO 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 be made before the end of twenty working days following the day of the making of an application for permission to bring an appeal (or within such longer period as an authorised member of the CMA may allow). The application of NGENSO was made in time.
5. The CMA is satisfied that NGENSO has complied with the requirements of Rule 7 of the Rules in relation to the content of the intervention notice and related matters insofar as they are relevant to the question whether to allow an intervention.
6. Accordingly, in accordance with paragraph 2(5) of Schedule 22 to the Act, I direct on behalf of the CMA that NGENSO become a party to the appeal.

Kirstin Baker
Authorised Member of the CMA
10 February 2021

SCHEDULE

LIST OF APPELLANT SSE ENTITIES

- (a) SSE Generation Limited
- (b) Keadby Generation Limited
- (c) Medway Power Limited
- (d) Griffin Windfarm Limited
- (e) SSE Renewables (UK) Limited
- (f) Keadby Windfarm Limited