

7th November 2011

GSR002-1: Modification to NETS SQSS amendment proposals GSR002

Dear Sheona,

I am writing to you on behalf of the National Electricity Transmission System (NETS) Security and Quality of Supply Standard (SQSS) Review Group. The purpose of this letter is to recommend modification of one of the proposals, collectively known as GSR002, submitted to the Authority in March this year. The specific recommendation is to remove the GSR002 proposal to add a copyright statement to the front cover of the NETS SQSS document.

Background

A number of “housekeeping” amendments to the NETS SQSS were proposed in a report that was submitted to the Authority, by the SQSS Review Group, in March 2011 (referenced GSR002)¹. One of these proposals was to add a copyright statement to the front cover of the document. The proposals were originally subject to industry consultation in August 2007. In response to concerns raised by some respondents to the consultation, the wording of the copyright statement was amended prior to submission to the Authority.

The principle reasons for proposing the introduction of a copyright statement were:

- to protect the intellectual property rights of the copyright holders
- to limit the reproduction and use of the standard to those parties required to do so to meet their licence requirements within Great Britain and its waters
- to protect the authors of the standard against the consequences of potential misuse by unauthorised parties.

The proposed statement explicitly specifies that the copyright of the NETS SQSS is owned by the three existing onshore Transmission Owners: National Grid Electricity Transmission plc (NGET), Scottish Power Transmission Limited (SPT), and Scottish Hydro Electric Transmission Limited (SHETL). In the view of the Review Group, these three parties have been the primary developers of the standard. The statement also makes clear the requirement for any party to obtain the written consent of the copyright holders to reproduce the standard. The submitted proposal is included in appendix 1 to this letter.

Reasons for modifying the proposal

Since the proposal was initially raised the number of GB transmission licence holders has increased following the appointment of an Offshore Transmission Owner (OFTO), and it is likely that the number will increase further in the near future. This has prompted discussion on whether, and when, the names of individual OFTOs

¹ [National Grid: SQSS Reviews](#)

should be included in the copyright statement. It is likely that frequent updates to the NETS SQSS would be needed as more OFTOs are appointed.

The SQSS Review Group has recently consulted on proposals to introduce formal governance to the NETS SQSS. These proposals do not currently consider the issues addressed by the copyright statement, but they do recommend a mechanism for including OFTOs in the development of the standard through membership of the Review Group.

As a consequence of these developments, there has been discussion between the onshore TOs as to whether the copyright statement is required, whether it achieves its aims, and whether it is the best way to achieve the aims. The conclusions reached are that:

- a copyright statement is not needed to ensure that copyright exists – this automatically follows the creation of a document
- the statement proposed does not specifically address the issue of consequential liability – it is not a disclaimer. This will not be a significant issue if it is clear that the standard is intended for application only to GB and its waters
- a requirement to re-issue the standard each time an OFTO is appointed is neither efficient nor desirable
- however, the statement does add the benefit that it clearly specifies that the standard is only applicable to GB – this is not immediately clear from the rest of the document, which refers to the NETS

Recommendations

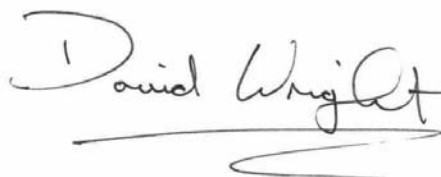
On the basis that the proposed copyright statement does not add significant benefit in either granting copyright or limiting liabilities, and that its introduction may result in the need to regularly re-issue the NETS SQSS, the Review Group recommends that the proposals of GSR002 are modified such that a copyright statement is not introduced.

The Review Group recognises that the GSR002 proposal clarifies that the standard only applies to GB and its waters, and that there is benefit in this, and consequently recommends that paragraph 1.1 of the standard is modified to include reference to Great Britain. The text for this proposal is included in appendix 2.

The Review Group will additionally review the governance proposals to determine whether further clarification on the rights of all TOs is required.

Should you have any queries on these recommendations, please contact Mark Perry.

Yours Sincerely

A handwritten signature in black ink that reads "David Wright". The signature is written in a cursive style and is underlined with a single horizontal line.

David Wright
NETS SQSS Review Group Chair

Appendix 1 – Copyright statement proposed in GSR002

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2. in accordance with the provisions of the Copyright, Designs and Patents Act 1988.

Appendix 2 – Proposed amendment to paragraph 1.1

Existing text

- 1.1 Pursuant to conditions C17, D3 and E16 of the Transmission Licences, this document sets out a coordinated set of criteria and methodologies (for example cost-benefit techniques and weather related operation) that transmission licensees shall use in the planning and operation of the national electricity transmission system. For the avoidance of doubt the national electricity transmission system is made up of both the onshore transmission system and the offshore transmission systems.

Proposed text – additional text in red

- 1.1 Pursuant to conditions C17, D3 and E16 of the Transmission Licences, this document sets out a coordinated set of criteria and methodologies (for example cost-benefit techniques and weather related operation) that transmission licensees shall use in the planning and operation of the national electricity transmission system **of Great Britain**. For the avoidance of doubt the national electricity transmission system is made up of both the onshore transmission system and the offshore transmission systems.