

June 2001

**INITIAL ASSESSMENT OF
MODIFICATION PROPOSALS P21:
REVIEW OF MODIFICATION GROUP
AND PANEL PROCEDURES / P23:
REVIEW OF THE IMBALANCE
SETTLEMENT GROUP (ISG) / P24:
REVIEW OF THE MODIFICATION
PROCEDURES**

Prepared by ELEXON Limited

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I DOCUMENT CONTROL

a Authorities

Version	Date	Author	Signature	Change Reference
1.0	26/6/01	Gareth Forrester		Version for Panel consideration.

Version	Date	Reviewer	Signature	Responsibility
1.0	26/6/01	Dorcas Batstone		Head of Modifications

b Distribution

Name	Organisation
Each BSC Party	Various
Each BSC Agent	Various
The Gas and Electricity Markets Authority	Ofgem
Each BSC Panel Member	Various
energywatch	Energywatch
Core Industry Document Owners	Various

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1 SUMMARY

This Initial Written Assessment addresses three submitted Modification Proposals that address common or related issues. These are:

- P21: Review of Modification Group and Panel Procedures;
- P23: Review Of The Imbalance Settlement Group (ISG); and
- P24: Review Of The Modification Procedures

These proposals all seek to improve the operation of the BSC governance arrangements, specifically in relation to the operation of the Panel, Panel Committees, Modification Groups and the Modification Procedures. Given the common ground of these modifications and the desirability of developing a consistent package of proposals in this area, it is proposed that the modification proposals should be amalgamated and progressed as a single modification.

All three proposals seek to address areas of perceived concern with the current operation of the BSC governance arrangements. While some specific suggestions are made, it appears that the intent of the proposals is to initiate a broad review of how these arrangements can be made more efficient and transparent. One proposer states explicitly that the proposal is not intended to be prescriptive and that further definition of possible solutions to the issues identified will be necessary.

An initial assessment of Modification Proposals P21, P23 and P24 has identified the following potential areas of impact and issues to be considered:

- There is a potential impact on BSC Sections B and F to reflect any change to the function, composition or working arrangements of the Panel, Panel Committees, Modification Procedures or Modification Groups;
- It is not envisaged that any of these modifications will impact any systems, although the working practices of ELEXON and parties may need to develop to reflect any change to Panel and/or Modification Procedures;
- In taking forward these proposals, it will be necessary to develop a coherent set of changes that reflect a clear understanding of the purpose and relationship of the Panel, Panel Committees and Modification Groups or Workstreams;
- Any revisions to the Modification Procedures will need to satisfy due process requirements to allow robust decisions on modifications to be made.
- It will be necessary to consult with a broad range of parties to assess the desirability and practicality of the suggested amendments.

In light of the above considerations, it is recommended that these Modification Proposals be progressed as follows:

- **the three Modification Proposals should be amalgamated and progressed as a single modification.**
- **the amalgamated proposal should be submitted to the Governance Modification Group under the Definition Procedure. The Modification Group should be actioned to provide its Definition Report to the Panel by 23 August 2001.**

2 INTRODUCTION

This Report has been prepared by ELEXON Ltd. on behalf of the Balancing and Settlement Code Panel ('the Panel'), in accordance with the terms of the Balancing and Settlement Code ('BSC'). The BSC is the legal document containing the rules of the balancing mechanism and imbalance settlement process and related governance provisions. ELEXON is the company that performs the role and functions of the BSCCo, as defined in the BSC.

An electronic copy of this document can be found on the BSC website, at www.elexon.co.uk

3 PURPOSE AND SCOPE OF THE REPORT

Section F of the BSC sets out the procedures for progressing proposals to amend the BSC (known as 'Modification Proposals'. These include procedures for proposing, consulting on, developing, evaluating and reporting to the Authority on potential modifications.

The BSC Panel is charged with supervising and implementing the modification procedures. ELEXON provides the secretariat and other advice, support and resource required by the Panel for this purpose. In addition, if a modification to the Code is approved or directed by the Authority, ELEXON is responsible for overseeing the implementation of that amendment (including any consequential changes to systems, procedures and documentation).

When a new proposal to modify the BSC is made, it is the responsibility of the Panel to determine how it should be progressed. Options include submitting the proposal to a Definition Procedure¹, submitting it to an Assessment Procedure², amalgamating the proposal with another proposal³, or proceeding directly to the Report Phase⁴. With a view to assisting the Panel in taking this decision, ELEXON prepares this initial written assessment of the implications of the Modification Proposal as soon as reasonably practicable after the proposal is made⁵. ELEXON endeavours to complete this initial assessment such that it can be reviewed by the Panel at the Panel meeting at which the relevant Modification Proposal is first to be considered.

This initial assessment provides a preliminary view on the following:

- the potential impact of the proposed modification on BSC systems and processes;
- the potential impact of the proposed modification on other systems and processes used by Parties;
- the potential impact of the proposed modification on the BSC, Code Subsidiary Documents and Core Industry Documents;
- the potential impact of the proposed modification on ELEXON;
- the potential impact of the proposed modification on BSC financial arrangements and budget;
- the potential impact of the proposed modification on BSC Agent contractual arrangements;
- The process and timetable that should be adopted for the progression of the Modification Proposal, in light of its complexity, importance and urgency; and
- Issues that will need to be considered and addressed in progressing the Modification Proposal (including the potential need for impact assessments, consultation and analyses).

It should be noted that, as this document only represents a preliminary assessment of the Modification Proposal, the information contained herein will, in most cases, be superseded by the subsequent analysis and reports produced by the Modification Group to which the Panel assigns the proposal for consideration.

¹ see BSC F2.5

² see BSC F2.6

³ see BSC F2.3

⁴ see BSC F2.7

⁵ see BSC F2.1.8

4 DESCRIPTION OF THE MODIFICATION PROPOSALS

Copies of the three Modification Proposals, as submitted by their proposers, can be found at Annex 1 to this report.

P21

P21, raised by Amerada Hess Gas Ltd., seeks to initiate a review of the Modification Procedures and the operation of the BSC Panel and associated subgroups to ensure maximum transparency to the industry and the efficient operation of the processes. Suggestions for change include:

- Specifying that all (non-confidential) Panel, Modification Group, ISG and SVG meetings should be held in open session;
- Revising the procedures for formation of Modification Groups; and
- Streamlining aspects of the Modification Procedures, including consideration of how issues may be identified prior to being submitted as Modification Proposals.

The proposer notes that P21 is not intended to be prescriptive, that further definition is required and that other issues may be identified during that process of definition.

P23

P23, raised by Dynegy, focuses on the ISG Panel Committee, suggesting that all meetings of the group should be held in open session and should allow attendees to make contributions. It is also suggested that the group's remit should be developed such that it becomes a standing 'workstream' to consider modifications and other energy and imbalance issues.

P24

P24, also raised by Dynegy, seeks to initiate a review of the Modification Procedures to improve the efficiency and inclusivity of the BSC governance process. Specific suggestions for change include:

- Establishing standing groups to consider modifications in the same area;
- Opening all groups to attendees and allowing all attendees to contribute, removing any distinction between group members and attendees; and
- Reducing the number of stages during the lifecycle of a Modification Proposal to ensure timely progress.

5 IMPACT ON BSC SYSTEMS AND PROCESSES

BSC System / Process	Potential Impact of Proposed Modification
Registration	No impact.
Contract Notification	No impact.
Credit Checking	No impact.
Balancing Mechanism Activities	No impact.
Collection and Aggregation of Metered Data	No impact.
Supplier Volume Allocation	No impact.
Settlement	No impact.
Clearing, Invoicing and Payment	No impact.
Reporting	No impact.
Contingencies	No impact.
Dispute Resolution	No impact.

6 IMPACT ON OTHER SYSTEMS AND PROCESSES USED BY PARTIES

No impact.

7 IMPACT ON DOCUMENTATION

7.1 Impact on Balancing and Settlement Code

BSC Section	Potential Impact of Proposed Modification
A: Parties and Participation	No impact.
B: The Panel	This section would require revision to permit all Panel business to be held in open session and/or to revise the function, composition or working arrangements of the Panel Committees.
C: BSCCo and its Subsidiaries	No impact.
D: BSC Cost Recovery and Participation Charges	No impact.
E: BSC Agents	No impact.
F: Modification Procedures	This section would require revision to reflect any change to the Modification Procedures or to the function, composition or working arrangements of Modification Groups.
G: Contingencies	No impact.
H: General	No impact.
I: Not Used	No impact.
J: Party Agents	No impact.
K: Classification and Registration of Metering Systems and BM Units	No impact.
L: Metering	No impact.
M: Credit Cover and Credit Default	No impact.
N: Clearing, Invoicing and Payment	No impact.

BSC Section	Potential Impact of Proposed Modification
O: Communications	No impact.
P: Energy Contract Volumes and Metered Volume Reallocations	No impact.
Q: Balancing Mechanism Activities	No impact.
R: Collection and Aggregation of Metered Data from CVA Metering Systems	No impact.
S: Supplier Volume Allocation	No impact.
S: ANNEX S-1 Performance Levels and Supplier Charges	No impact.
S: ANNEX S-2 Supplier Volume Allocation Rules	No impact.
T: Settlement and Trading Charges	No impact.
U: Provisions Relating to Settlement	No impact.
V: Reporting	No impact.
W: Trading Queries and Trading Disputes	No impact.
X: Definitions and Interpretation	No impact.
X: ANNEX X-1 General Glossary	Possible impact to reflect any revised or additional terms used in sections B and/or F.
X: ANNEX X-2 Technical Glossary	No impact.

7.2 Impact on Code Subsidiary Documents

Code Subsidiary Document	Potential Impact of Proposed Modification
BSC Procedures	No impact.
Codes of Practice	No impact.
BSC Service Descriptions	No impact.
Party Service Lines	No impact.
Data Catalogues	No impact.
Communication Requirements Documents	No impact.
Reporting Catalogue	No impact.

7.3 Impact on Core Industry Documents

Core Industry Document	Potential Impact of Proposed Modification
Grid Code	No impact.
MCUSA	No impact.
Supplemental Agreements	No impact.
Ancillary Services Agreements	No impact.
Master Registration Agreement	No impact.
Data Transfer Services Agreement	No impact.
British Grid Systems Agreement	No impact.
Use of Interconnector Agreement	No impact.
Pooling and Settlement Agreement	No impact.
Settlement Agreement for Scotland	No impact.
Distribution Codes	No impact.
Distribution Use of System Agreements	No impact.
Distribution Connection Agreements	No impact.

8 IMPACT ON OTHER CONFIGURABLE ITEMS

No impact identified.

9 IMPACT ON ELEXON

Area of Business	Potential Impact of Proposed Modification
ELEXON Systems	No impact.
ELEXON Procedures	Possible impact on ELEXON procedures supporting the Panel, Panel Committees and the Modification Procedures to reflect any revisions to sections B and/or F.
ELEXON Contracts (Excluding BSC Agent Contracts)	No impact.
Other (e.g. costs, staffing, etc.)	No impact.

10 IMPACT ON FINANCIAL ARRANGEMENTS AND BUDGET

No impact identified.

11 IMPACT ON BSC AGENT CONTRACTUAL ARRANGEMENTS

BSC Agent Contract	Potential Impact of Proposed Modification
Logica (BMRA, CRA, CDCA, SAA, ECVAA, TAA(CVA))	No impact.
EPFAL (FAA)	No impact.
ESIS (TAA(SVA))	No impact.
Cap Gemini (SVAA)	No impact.
PwC (BSC Auditor, Certification Agent)	No impact.
EASL (Teleswitch Agent, Profile Administrator)	No impact.

12 PROCESS AND TIMETABLE FOR PROGRESSING THE PROPOSALS

Proposals P21, P23 and P24 all seek to improve the operation of the BSC governance arrangements, specifically in relation to the operation of the Panel, Panel Committees, Modification Groups and the Modification Procedures. Given the common ground of these modifications and the desirability of developing a consistent package of proposals in this area, it is proposed that:

- **the three modification proposals should be amalgamated and progressed as a single modification.**

All three proposals seek to address areas of perceived concern with the current operation of the BSC governance arrangements. While some specific suggestions are made, it appears that the intent of the proposals is to initiate a broad review of how these arrangements can be made more efficient and transparent. One proposer states explicitly that the proposal is not intended to be prescriptive and that further definition of possible solutions to the issues identified will be necessary. ELEXON therefore recommends that:

- **the amalgamated proposal be submitted to the Governance Modification Group under the Definition Procedure. The Modification Group should be actioned to provide its Definition Report to the Panel by 23 August 2001.**

13 ISSUES

The following issues will need to be considered and addressed in progressing these Modification Proposals.

- In taking forward these proposals, it will be necessary to develop a coherent set of changes that reflect a clear understanding of the purpose and relationship of the Panel, Panel Committees and Modification Groups or Workstreams;
- Any revisions to the Modification Procedures will need to satisfy due process requirements to allow robust decisions on modifications to be made.
- It will be necessary to consult with a broad range of parties to assess the desirability and practicality of the suggested amendments.

ANNEX 1 – MODIFICATION PROPOSALS

Modification Proposal	MP No:21 <i>(mandatory by BSCCo)</i>
Title of Modification Proposal <i>(mandatory by originator):</i> Review of Modification Group and Panel Procedures	
Submission Date <i>(mandatory by originator):</i> Wednesday, 20 June 2001	
Date Logged <i>(mandatory by BSCCo):</i>	
Description of Proposed Modification <i>(mandatory by originator)</i> Review of Modification Procedures and the operation of the Modification Panel and associated Sub Groups to ensure maximum transparency to the Industry and efficient operation of the processes.	
Description of Issue or Defect that Modification Proposal Seeks to Address <i>(mandatory by originator)</i> Amerada Hess believes that there are a number of areas in the current drafting of Sections B & F of the Balancing and Settlement Code which potentially limit the transparency of the industry to Trading Parties, particularly new entrants, thus impacting their ability to compete effectively. Areas of particular concern are the following: <ol style="list-style-type: none"> 1) Modification Panel meetings – we believe that the whole of the Panel meeting should be open to observers by default. We acknowledge concerns that issues may arise requiring discussion of commercially sensitive information, and believe that such concerns may be effectively addressed, for example, by asking observers to leave the room for an agenda item if necessary. In addition, we believe that it would be of benefit to the Panel's deliberations to encourage input from the floor in respect of the points under discussion, for example, in respect of the debate on opening Panel meetings, Urgent and Non-Urgent modifications. 2) Panel Sub Groups – for example, the SVG and ISG. We believe that these groups should be open to industry observers by default. We do, however, acknowledge the need to hold TDC and PAB meetings in closed session. 3) Formation and Operation of Modifications Groups – as part of a wider debate on the provisions for change to the BSC, we believe that the default position (Open vs. Closed) within code should be reconsidered, together with the way members of the Modification Groups are selected. 4) Modifications process – Since NETA go-live, there has been a large number of post implementation modifications. The operation of the new processes around these modifications has illustrated that a review of the process may be timely. This should include the effectiveness of the process; where it could be streamlined to reduce work for both the Industry and Elexon; how well the provisions and definitions are understood (for example, definition vs assessment); the effectiveness of communications around and related to the modifications process and any gaps which have become evident. This might, for example, cover how issues could be identified prior to a 	

Modification Proposal	MP No:21 <i>(mandatory by BSCCo)</i>
<p>modification being raised.</p> <p>This modification is not intended to be prescriptive, we believe that further definition is required, during which process other issues may well be identified.</p>	
<p>Impact on Code <i>(optional by Originator)</i></p> <p>It is anticipated that Sections B & F of the BSC will be affected</p>	
<p>Impact on Core Industry Documents <i>(optional by Originator)</i></p> <p>It is anticipated that Sections B & F of the Balancing & Settlement Code will be affected</p>	
<p>Impact on BSC Systems and Other Relevant Systems and Processes Used by Parties <i>(optional by originator)</i></p> <p>None anticipated</p>	
<p>Impact on other Configurable Items <i>(optional by originator)</i></p> <p>None identified</p>	
<p>Justification for Proposed Modification with Reference to Applicable BSC Objectives <i>(mandatory by originator)</i></p> <p>This modification will better facilitate competition in the Generation and Supply of electricity by enabling BSC Parties, including new entrants, to compete more effectively within the new electricity industry. This is because better information and understanding of a major industry document and its associated processes/effect on the industry will result from increased transparency.</p> <p>In addition, this modification is intended to promote increased efficiency in the implementation and administration of the BSC Modification processes based on the experience gained.</p>	
<p>Details of Proposer:</p> <p>Name : <i>Alison Kuck.</i></p> <p>Organisation : <i>Amerada Hess Gas Limited</i></p> <p>Telephone Number : <i>0207 887 2687 / 07733 306837</i></p> <p>Email Address : alison.kuck@hess.com</p>	

Modification Proposal	MP No:21 <i>(mandatory by BSCCo)</i>
Details of Proposer's Representative: <i>Name : Alison Kuck</i> <i>Organisation : as above</i> <i>Telephone Number : as above</i> <i>Email address : as above</i>	
Details of Representative's Alternate: <i>Name : Victoria Leitch</i> <i>Organisation : Amerada Hess Gas Ltd.</i> <i>Telephone Number : 0207 887 2782/ 07769 671971</i> <i>Email address : victoria.leitch@hess.com</i>	
Attachments: No <i>(delete as appropriate) (mandatory by originator)</i>	

Modification Proposal	MP No: 23 (mandatory by BSCCo)
Title of Modification Proposal (mandatory by proposer): Review Of The Imbalance Settlement Group (ISG).	
Submission Date (mandatory by proposer): 22 June 2001	
Description of Proposed Modification (mandatory by proposer): Review of the ISG to ensure maximum transparency to the industry and efficient operation of the processes it undertakes.	
Description of Issue or Defect that Modification Proposal Seeks to Address (mandatory by proposer): Dynergy has a number of concerns about the current arrangements of the ISG meetings. Areas of concern are the following: 1) Dynergy believes all ISG meetings should be open. The current meetings limit the transparency of the industry thus impacting on participants ability to compete effectively. As well as being open, the meetings should take on board the views of industry participants attending, who would have valuable views to add to debates on key issues. Dynergy believe that the electricity industry contains knowledgeable people who are not within the ISG, but who could make valuable contributions to issues investigated by the group. By enforcing closed ISG sessions the industry is compromising the efficiency of the meeting due to only considering solutions created within the group. 2) Dynergy would also like to improve ISG's present remit. ISG should become a standing group, with set meeting dates that analyse the energy and imbalance settlement related modifications. The current process for progressing modifications is resulting in many of the same people attending many meetings. While modifications have been lumped together, a formal strucutre for sending all related modifications to a standing group would increase efficiency, add to the expertise of the group and help non-attendees better feed into the modifications process. Effectively ISG would become a standing modifications workstream, as well as group to look at other energy and imbalance issues.	
Impact on Code (optional by proposer): Section B, paragraph 5, of the Code to be altered so that all panel committees, including ISG meetings, shall be open except when issues arise involving the discussion of commercially sensitive information. 5.1.6 would also need to be deleted. To help improve the efficiency of the modification process generally Dynergy will raise another modification to section F of the code.	
Impact on Core Industry Documents (optional by proposer):	
Impact on BSC Systems and Other Relevant Systems and Processes Used by Parties (optional by proposer):	
Impact on other Configurable Items (optional by proposer):	

Modification Proposal	MP No: 23 <i>(mandatory by BSCCo)</i>
<p>Justification for Proposed Modification with Reference to Applicable BSC Objectives <i>(mandatory by proposer):</i></p> <p>This modification will better facilitate competition in the generation and supply of electricity by enabling BSC parties, including new entrants, to actively participate in the governance of the BSC, the multi-party contract they are signatories to. This modification would allow better information to be used by ISG, by canvassing wider audience with further expertise, and will further understanding in the industry by making the governance process more open and transparent.</p>	
<p>Details of Proposer:</p> <p style="padding-left: 40px;">Name: Lisa Waters</p> <p style="padding-left: 40px;">Organisation: Dynegy</p> <p>Telephone Number: 020 8334 7265</p> <p style="padding-left: 40px;">Email Address: lisa.waters@dynegy.co.uk</p>	
<p>Details of Proposer's Representative:</p> <p style="padding-left: 40px;">Name: Rekha Patel</p> <p style="padding-left: 40px;">Organisation: Dynegy</p> <p>Telephone Number: 020 8334 7267</p> <p style="padding-left: 40px;">Email Address: rekha.patel@dynegy.co.uk</p>	
<p>Details of Representative's Alternate:</p> <p style="padding-left: 40px;">Name:</p> <p style="padding-left: 40px;">Organisation:</p> <p>Telephone Number:</p> <p style="padding-left: 40px;">Email Address:</p>	
<p>Attachments: NO</p> <p>If Yes, Title and No. of Pages of Each Attachment:</p>	

Modification Proposal	MP No: P24 <i>(mandatory by BSCCo)</i>
Title of Modification Proposal <i>(mandatory by proposer):</i> Review Of The Modification Procedures	
Submission Date <i>(mandatory by proposer):</i> 22 June 2001	
Description of Proposed Modification <i>(mandatory by proposer):</i> Review of the modification procedures to improve the efficiency of the BSC governance process.	
Description of Issue or Defect that Modification Proposal Seeks to Address <i>(mandatory by proposer):</i> <p>Dynegy believes that operation of the BSC modification procedures has shown that a number of areas could be improved to increase the efficiency with which the industry operates the governance of this important multi-party contract. Discussion with other players suggest that they also have concerns, so a review of the procedures should be undertaken with particular focus on making the process quicker and more inclusive of the industry as a whole. Dynegy would want to focus on:</p> <ol style="list-style-type: none"> 1) The establishment of standing groups, with agreed, regular meeting dates to deal with issues in the same areas. For example a governance group, an imbalance group, an information group and so on. This would help create groups of experts on certain areas, better improving the efficiency of the modifications process. 2) All meetings to made open and the views of all participants to carry equal weight. The concept of group members and attendees seems to be meaningless, as is the idea that participants should act independent of their company views. Options are always influenced by participants companies, as that is the organisation in which they will seek views and look at impacts. As long as all participants, including customers, are free to attend and express their views this is not a problem. In fact it is more of a problem if we develop the industry without looking for pragmatic business solutions. 3) The definition, assessment and report procedures should be shortened, removing unnecessary reports back to the Panel where those reports hold up progress of a modification. All the associated reports should also be significantly reduced in terms of number of pages - for example unused sections should not be in the reports at all. Dynegy would propose that once a raised modification goes to the relevant group and is then worked though to the report stage in as quick a time scale as the group believes still facilitates the main aims of the existing procedures. The Panel would check the modification goes to the correct group and would still make recommendations on modifications to the Authority. 4) BSCCo also needs to review the contracts with service providers such that they work to the timetable of the rest of the industry and implement any necessary system changes in a timely manner. <p>Looking at the modificaitons procedures for the Network Code, a similar multi-party contract governing the gas industry, may help steer this debate.</p>	
Impact on Code <i>(optional by proposer):</i> Section F of the BSC to be rewritten.	
Impact on Core Industry Documents <i>(optional by proposer):</i> Review of the service contracts with BSC Agents should also be undertaken.	

Modification Proposal	MP No: P24 <i>(mandatory by BSCCo)</i>
Impact on BSC Systems and Other Relevant Systems and Processes Used by Parties <i>(optional by proposer):</i>	
Impact on other Configurable Items <i>(optional by proposer):</i>	
Justification for Proposed Modification with Reference to Applicable BSC Objectives <i>(mandatory by proposer):</i> <p>This modification will better facilitate competition in the generation and supply of electricity by enabling BSC parties, including new entrants and customers, to actively participate in the governance of the BSC, the multi-party contract they are signatories to. This modification would allow all views to be heard in looking at industry developments and would create a more efficient and timely governance regime. In the longer term it will also improve the level of expertise in the industry, by educating a wider audience and will better ensure that modifications put to the Authority provide pragmatic business solutions for the UK electricity industry. This modification will improve the efficiency of the industry and will better meet the applicable objectives, particularly c and d.</p>	
Details of Proposer: <p style="margin-left: 40px;">Name: Lisa Waters Organisation: Dynegy Telephone Number: 020 8334 7265 Email Address: lisa.waters@dynegy.co.uk</p>	
Details of Proposer's Representative: <p style="margin-left: 40px;">Name: Rekha Patel Organisation: Dynegy Telephone Number: 020 8334 7267 Email Address: rekha.patel@dynegy.co.uk</p>	
Details of Representative's Alternate: <p style="margin-left: 40px;">Name: Organisation: Telephone Number: Email Address:</p>	
Attachments: NO If Yes, Title and No. of Pages of Each Attachment:	