

Modification P63 – draft legal text

Section J (version 3.0)

Insert new paragraphs 4.2.5 to 4.2.9 as follows:

4.2.5 Subject to paragraph 4.2.6, paragraph 4.2.7 applies where:

- (a) a Supplier proposes to carry out, on any day, the replacement of any Supplier Agent(s) appointed in relation to Non Half Hourly Metering Systems (an "**agent replacement**");
- (b) the Performance Assurance Board has for the time being determined a threshold number for the purposes of paragraph (c)(i) or of paragraph (c)(ii);
- (c) the number of Non Half Hourly Metering Systems subject to the proposed agent replacement, either:
 - (i) in aggregate, or
 - (ii) in any one SMRS,exceeds the applicable threshold number for the time being determined by the Performance Assurance Board.

4.2.6 Paragraph 4.2.7 shall not apply if:

- (a) the appointment of a replacement Supplier Agent(s) is to be made in consequence of the termination of the appointment of the existing Supplier Agent(s) either:
 - (i) pursuant to paragraph 4.2.2, or
 - (ii) as a result of the doing by, or occurrence in relation to, the existing Supplier Agent(s) of any of the things or events set out in Section H3.1.1(g) (construed as if references to the Defaulting Party were to the Supplier Agent); and
- (b) the Supplier gives notice to the Performance Assurance Board, as much in advance as is reasonably practicable, of the proposed agent replacement, certifying that the case falls within paragraph (a), and specifying the date on which the agent replacement is to be carried out and the SMRSs which are affected.

4.2.7 Where this paragraph applies:

- (a) the Supplier shall submit to the Performance Assurance Board, in accordance with BSCP 513, an application for approval to carry out the agent replacement, including:
 - (i) a proposed timetable and methodology for carrying out the agent replacement;
 - (ii) such confirmation as the Performance Assurance Board may require, from the Supplier, the existing Supplier Agent(s), the proposed replacement Supplier Agent(s) and each relevant SMRA, as to their respective abilities to manage and carry out the agent replacement;
 - (iii) such further details as may be required in accordance with BSCP 513;

and the Supplier shall not carry out the agent replacement without the prior approval of the Performance Assurance Board;

- (b) the Supplier shall discuss its application with the Performance Assurance Board, and/or provide such further information to the Performance Assurance Board, as the Performance Assurance Board may require in connection with its consideration of the application;
- (c) the Performance Assurance Board may require changes to the proposed timetable (including the day on which the replacement is to be carried out) and methodology and/or may impose additional requirements for the agent replacement as a condition of giving its approval therefor;
- (d) the Performance Assurance Board shall consider the application and notify the Supplier whether it is approved as soon as reasonably practicable;
- (e) the Performance Assurance Board may (notwithstanding it has already approved the application) require changes or further changes to the proposed timetable or methodology for the agent replacement, if the Performance Assurance Board is subsequently notified that another Supplier will carry out an excepted agent replacement on the same day as the proposed agent replacement;
- (f) if the application is approved, the Supplier (if it decides to proceed) shall so notify BSCCo and shall carry out the agent replacement in accordance with the proposed timetable and methodology with such changes, and in accordance with such other requirements, as the Performance Assurance Board may have required under paragraph (c) or (e).

4.2.8 If a Supplier:

- (a) notifies BSCCo under paragraph 4.2.7(f) that it will proceed with an agent replacement, or
- (b) notifies the Performance Assurance Board of an excepted agent replacement in accordance with paragraph 4.2.6

BSCCo shall place on the BSC Website a statement to the effect that an agent replacement within paragraph 4.2.5 is to be carried out, specifying the date on which it is to be carried out and the SMRSs affected.

4.2.9 For the purposes of paragraphs 4.2.5 to 4.2.8:

- (a) references to carrying out on a day the replacement of a Supplier Agent are to implementing on that day the procedures under the Code for such replacement, irrespective of the date(s) from which such replacement is to be effective;
- (b) an "**excepted agent replacement**" is an agent replacement in a case falling within paragraph 4.2.6 but in relation to which either test in paragraph 4.2.5(c) is met.

Section S (version 1.1)

Insert new paragraph 2.7.9 as follows:

2.7.9 Each Supplier shall at all times hold the following data in relation to each SVA Metering System for which it is responsible:

- (a) the Meter Technical Details;
- (b) in the case of a Non Half Hourly Metering System, the Metered Data obtained for each relevant Settlement Register on each occasion during the preceding 48 months on which valid Metered Data was obtained, and the latest values of Estimated Annual Consumption and Annualised Advance.

2.7.10 If a Supplier appoints a replacement Supplier Agent in relation to any SVA Metering System in the circumstances set out in Section J4.2.6(a)(i) or (ii), the Supplier shall provide to the replacement Supplier Agent the following data:

- (a) in the case of the replacement of a Meter Operator Agent, the data held by the Supplier pursuant to paragraph 2.7.9(a);
- (b) in the case of a Non Half Hourly Data Collector, the data held by the Supplier pursuant to paragraph 2.7.9(b).