

FINAL CONSULTATION ON URGENT MODIFICATION PROPOSAL P84

Modification Proposal P84 'Amendment To Process For Past Notification Errors (2)' was submitted by Innogy on 22 May 2002, with a request that the proposal be treated as an Urgent Modification Proposal pursuant to BSC F2.9. The Authority consented to the urgent treatment of the proposal.

BSC Parties were invited to review the proposal and to provide a response to ELEXON by 9.00 on 24 May 2002, stating whether and how they believed that this proposal would better facilitate the achievement of the Applicable BSC Objectives.

A Modification Group meeting was held at 10.00 on 24 May 2002 to consider the consultation responses. The Modification Group identified that claims that arose from a common set of circumstances should incur a single £5,000 fee. The Modification Group developed an Alternative Modification Proposal P84 to better facilitate the Applicable BSC Objectives. This was developed in the drafting to create a new circumstance in which claims may be treated as a single claim for the purpose of the £5,000 fee, if the Panel is satisfied that they should be so treated. This circumstance is where the claims of Past Notification Errors arise from the same underlying cause.

Attached is the legal drafting to give effect to Alternative Modification Proposal P84. The Authority has confirmed that it does not require legal drafting for the original proposal.

The Panel's decision as to whether the claims should be treated as a single claim under this new paragraph P6.2.6 would be final and binding. In making its decision, the Panel may request evidence to support a Party's assertion that the claims should be treated as a single claim, and any decision of the Panel would be without prejudice and independent of any consideration as to the merits of any claims for Past Notification Errors themselves.

Your views as to whether the Alternative Proposal better facilitates Applicable BSC Objectives (both in relation to the Code as currently drafted, and in relation to Modification Proposal P84) are requested by 12.00 p.m. on 27 May 2002, and should be provided to the following email address:

modifications@elexon.co.uk

Please also provide your rationale supporting your views. Responses should be entitled '**P84 Urgent Comments**'

It should be noted that this memorandum is intended as a guide to provide assistance to BSC Parties. However, it is not a comprehensive description of paragraph 6 of section P of the Code, and must be read in conjunction with the relevant paragraphs of the Code. No representation or warranty, express or implied, is or will be made in relation to, and no responsibility or liability is or will be accepted by ELEXON Limited or any officer or employee thereof as to or in relation to, the accuracy or completeness of this circular and any liability therefore is expressly disclaimed.