

Responses from P93 Draft Report Consultation

Consultation issued 26 July 2002

Representations were received from the following parties:

| No | Company | File Number | No. Parties Represented |
|-----|------------------------------|-------------|-------------------------|
| 1. | TXU Europe | P93_MR_001 | 21 |
| 2. | Dynergy | P93_MR_002 | 1 |
| 3. | LE Group | P93_MR_003 | 6 |
| 4. | YEDL/NEDL | P93_MR_004 | 2 |
| 5. | SEEBOARD | P93_MR_005 | 1 |
| 6. | British Gas | P93_MR_006 | 1 |
| 7. | Aquila Networks | P93_MR_007 | 1 |
| 8. | British Energy | P93_MR_008 | 3 |
| 9. | Scottish Power | P93_MR_009 | 5 |
| 10. | Scottish and Southern | P93_MR_010 | 4 |
| 11. | Entergy-Koch Trading Limited | P93_MR_011 | 1 |
| 12. | National Grid | P93_MR_012 | 1 |

P93_MR_001 – TXU Europe

Thank you for the opportunity to comment on P93 (Introduction of a Process for Amendment of Proposed Modification Implementation Dates). This response is sent on behalf of all TXU Europe companies.

TXU fully supports this proposal. It is a sensible approach which avoids the situation whereby a modification has to be rejected and re-submitted because the implementation date has passed by the time the Authority reaches a decision, and will improve efficiency in the governance of the Balancing and Settlement Code.

Yours faithfully

Nicola Roberts
Market Development Analyst
TXU Europe Energy Trading Ltd.

P93_MR_002 – Dynergy

Dynegy supports both of these modifications as we believe that they both better fulfil the relevant objectives, particularly by improving the efficiency of the implementation and administration of the BSC. The more we can do to streamline change and to cut the bureaucracy of the modification process the easier it will be for the market to respond to changes and to maintain an efficient system that operates to the benefit of UK customers by promoting competition.

Dynegy hopes that the Panel will recommend to the Authority that both proposals are accepted.

Lisa Waters
Director Government Affairs

P93_MR_003 – LE Group

LE Group is pleased to support BSC Modification Proposal P93. We believe it should lead to better clarity over expected implementation dates of future changes. It follows that we consider P93 will better facilitate BSC Applicable Objective (d) - Promoting efficiency in the implementation and administration of the balancing and settlement arrangements.

This response is made on behalf of the following BSC Parties:

LEG plc (representing London Electricity plc, Sweb Ltd, Jade Power Generation Ltd, Sutton Bridge Power Ltd, London Power Networks plc, and EPN Distribution Ltd).

Yours sincerely

Paul Chesterman
for Liz Anderson, General Manager Energy Strategy & Regulation. LE Group

P93_MR_004 – YEDL/NEDL

The response for both YEDL and NEDL is no comment regarding P93

Sue Calvert
Distribution Change
System Investment

P93_MR_005 – SEEBOARD

With respect to draft modification report on above mentioned proposal, dated 26th July. We agree with recommendation within section 1.1 of that report and implementation dates detailed therein.

Dave Morton
SEEBOARD Energy Limited

P93_MR_006 – British Gas

Modification Proposal 93: Introduction of a Process for amendment of Proposed Modification Implementation Dates

Thank you for the opportunity of responding to this Draft Modification Report. British Gas supports the aims of the Draft Modification Report. We believe the proposal will better facilitate Applicable BSC Objective d: Promoting efficiency in the implementation and administration of the balancing and settlement arrangements. We are pleased to note the emphasis on consulting on the change of date with the industry. It is essential that the industry is kept fully informed at all stages.

We hope these comments are helpful to you. Should you wish to discuss this issue further please do not hesitate to contact me on the above number.

Yours faithfully

Andrew Latham
Account Manager

P93_MR_007 – Aquila Networks

Please find that Aquila Networks Plc response to P93 Consultation on draft Modification Report is 'No Comment'.

regards
Rachael Gardener

Deregulation Control Group &
Distribution Support Office
AQUILA NETWORKS

P93_MR_008 – British Energy

This Elexon modification, which is aimed at allowing implementation dates of modification proposals to be amended by the Panel, seems sensible given the uncertain length of time the Authority take to reach a determination, and should better facilitate the BSC objective relating to efficiency. However the modification is also designed to allow the Panel to bring the implementation date forward where 'circumstances may have changed'. Care needs to be exercised in such circumstances to ensure that all participants have sufficient opportunity to prepare for earlier implementation dates than originally expected, to avoid compromising the BSC objective relating to competition.

Regards

Rachel Ace

on behalf of

British Energy Power and Energy Trading
British Energy Generation Ltd
Eggborough Power Ltd

P93_MR_009 – Scottish Power

Thank you for the opportunity to respond to this consultation on the P93 Modification Report.

We have some concerns regarding this modification and the process, which it seeks to implement. We appreciate that the Panel wishes to adopt a consistent approach in the Code to the amendment of proposed Implementation Dates when an Authority decision has been made and instances when such a decision has not been made. However, the difficulty lies, in the latter case, in continuing uncertainty surrounding when an Authority decision may be forthcoming. This would impact upon the judgement to be made about an amended Implementation Date. For instance, it would be difficult to envisage the circumstances where

a Modification Report would be revised to allow the bringing forward of the proposed Implementation Date in the face of such uncertainty.

We recognise that part of the reason for raising P93 lies in the experience of the Panel in relation to Modification P4. In that case, it was decided to recall the Modification Report and re-consult on the proposed Implementation Date because the Authority eventually indicated that a decision on the modification would not be forthcoming to allow that Date to be met. While this allowed a revision to the proposed Implementation Date in P4, it was neither an efficient nor a cost-effective outcome.

By effectively formalising that process, however, P93 invites the possibility that there will be a continuing need to revise Modification Reports and amend proposed Implementation Dates, which is due more to the lack of a timely Authority decision, rather than any failure of the modification process up to the point that the Modification Report is submitted to the Authority. This, in our view, invites inefficiency into the Code.

We accept that there may, very occasionally, be legitimate reasons why a Report needs to be revised and the proposed Implementation Date amended prior to an Authority decision. There may be substantive issues relevant to the implementation of the Proposal or its Alternative, for example in respect of when software changes can be delivered, which would be an acceptable basis for revision. In those instances, an appropriate process for re-consultation and amendment of Implementation Dates could be undertaken by the Panel without recourse to a formal process.

In conclusion, therefore, we are concerned that the formal process suggested in P93 is being created for reasons which do not promote efficiency in the modifications process and we are unwilling to support this modification.

I trust that you will find these comments helpful. Nonetheless, should you require further clarification of any of the above, please do not hesitate to contact me.

Yours Sincerely,

Man Kwong Liu
Calanais Ltd.

For and on behalf of: - *Scottish Power UK Plc.; Scottish Power Energy Trading Ltd.; Scottish Power Generation Ltd.; Scottish Power Energy Retail Ltd.; SP Transmission Ltd.*

P93_MR_010 – Scottish and Southern Energy

This response is sent on behalf of Scottish and Southern Energy, Southern Electric, Keadby Generation Ltd. and SSE Energy Supply Ltd.

In relation to the draft Modification Report for Proposed Modification P93 contained in your note of 26th July 2002; whilst we agree in principle with the suggested BSC Panel recommendation to the Authority that this Modification proposal P93 be approved, and the suggested implemented date(s); we earnestly desire that the BSC Panel make use of this power very sparingly.

This is because we hope that the Authority will not unduly delay making a decision, on any future Modification proposal, having had the opportunity to avail itself of the pertinent facts as it has progressed throughout the Modification consultation process. It appears inconsistent that the Authority can quickly provide a decision on certain Modifications, whilst taking an inordinate amount of time to consider others; particularly given the relatively brief period we, the market participants, are often given by comparison.

Regards

Garth Graham
Scottish & Southern Energy plc

P93_MR_011 – Entergy-Koch Trading Limited

Entergy-Koch Trading Limited ("EKTL") supports the changes outlined in modification proposal P93.

The proposal introduces a useful degree of flexibility for seeking changes to the implementation dates of proposals in some circumstances. EKTL supports the recommendation of the panel.

Yours sincerely,

Adam Cooper
Regulatory Affairs
Entergy-Koch Trading Limited

P93_MR_012 – National Grid

We agree with the proposed changes outlined in the Modification Report P93 - Introduction of Process for Amendment of Proposed Modification Implementation Dates.

Clare Talbot
National Grid