

Modification Proposal	MP No: 94 <i>(mandatory by BSCCo)</i>
Title of Modification Proposal <i>(mandatory by proposer):</i> Introduction Of A Process To Allow The Panel To Recall Modification Reports From The Authority To Allow The Legal Drafting To Be Corrected If Working Assumptions Prove To Be Incorrect.	
Submission Date <i>(mandatory by proposer):</i> 08 July 2002	
Description of Proposed Modification <i>(mandatory by proposer):</i> When it is envisaged that a Modification Proposal will have interactions with an earlier Modification Proposal on which the Authority is still to decide, the legal drafting for the latter proposal must use working assumptions concerning the former. These assumptions are: (i) whether decisions regarding Modification Proposals will be made in the chronological order in which they were submitted to the Authority; and (ii) whether or not any earlier proposal (or its alternative) submitted first to the Authority will be approved such that the legal drafting of the second will have to take account of the first proposal (or its alternative). This paper recommends that the BSC Panel raise a Modification Proposal to enable: (i) the Modification Report to make these working assumptions clear; and (ii) if the working assumptions are proved incorrect to further allow the Panel to correct the legal drafting, consult where appropriate and resubmit the Modification Report with amended legal drafting.	
Description of Issue or Defect that Modification Proposal Seeks to Address <i>(mandatory by proposer):</i> In many cases the Mod Proposal ("the latter Proposal") will have interactions with a Mod Proposal which has already been submitted to the Authority for decision ("the earlier Proposal"). The Authority's decision on the earlier Mod Proposal will therefore impact the draft wording used to give effect to the latter. When the Code was first drafted it was envisaged that the Authority would release determinations on Mod Proposals such that the impact of the earlier Proposal(s) would naturally flow through into the latter. Unfortunately the time period between submission of Modification Reports to the Authority and the decision release dates has not allowed for this in a number of cases. As a result, there can be an element of uncertainty in preparing the legal drafting for latter Mod Proposals. Where there are interactions with earlier Proposals, assumptions are made when drafting proposed text to give effect to the latter Proposal. Legal text is currently drafted on the basis of the current version of the BSC, as amended by any Modification Proposals that have already been determined by the Authority (with an implementation date before that proposed by the 'latter' Modification Proposal). The timing of certain determinations have led to situations where legal text has been amended to reflect changes such as paragraph numbering.	
Impact on Code <i>(optional by proposer):</i> Introduce a new process into Section F	
Impact on Core Industry Documents <i>(optional by proposer):</i> Nil	
Impact on BSC Systems and Other Relevant Systems and Processes Used by Parties <i>(optional by proposer):</i> Nil	

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Impact on other Configurable Items <i>(optional by proposer):</i>	
Nil	
Justification for Proposed Modification with Reference to Applicable BSC Objectives <i>(mandatory by proposer):</i>	
It is believed that the modification will better facilitate achievement of Applicable BSC Objective C3 3(d):	
(d) Promoting efficiency in the implementation and administration of the balancing and settlement arrangements.	
The proposal would allow flexibility to amend legal text in light of Authority directions on earlier Modification Proposal and therefore reduce the administrative burden/costs.	
Details of Proposer:	
Name: BSC Panel	
Organisation: N/A	
Telephone Number: N/A	
Email Address: N/A	
Details of Proposer's Representative:	
Name: Modification Secretary	
Organisation: ELEXON	
Telephone Number: 0207 380 4337	
Email Address: chris.rowell@elexon.co.uk	
Details of Representative's Alternate:	
Name:	
Organisation:	
Telephone Number:	
Email Address:	
Attachments: NO	
If Yes, Title and No. of Pages of Each Attachment:	