

What stage is this document in the process?


- 01 Initial Written Assessment
- 02 Definition Procedure
- 03 Assessment Procedure
- ▶ 04 Report Phase


Stage 04: Draft Mod Report

P236: Compensation Claims for MVRN Parties arising from an Outage

[Section Q8 of the BSC](#) allows for a Party to claim compensation for losses incurred as a result of an Outage.

P236 seeks to amend the Q8 claims process so that where the affected BM Unit is subject to a Meter Volume Reallocation Notification, the Trading Charges and Avoidable Costs of both the Lead Party and the Subsidiary Party or Parties are considered.

 Initially, the Panel recommends **Approval** of Proposed Modification P236

 Impacts: **Transmission Company, Generators and Parties** who enter into percentage-based Metered Volume Reallocations with Generators

158/04

P236
Draft Modification Report

7 August 2009

Version 0.5

Page 1 of 10

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Any questions?

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Contents

1	Summary	3
2	Why Change?	4
3	Solution	5
4	Impacts & Costs	7
5	Implementation	8
6	The Case for Change	8
7	Panel Discussions	8
8	Panel's initial Recommendations	9
9	Report Phase Consultation Responses	9
10	Panel's Final Views and Recommendations	10
11	Further Information	10
	Attachment A: P236 Assessment Report	10
	Attachment B: Detailed Assessment	10
	Attachment C: Legal Text	10

About this document:

This document is a Draft Modification Report, which ELEXON will present to the Panel on 13 August 2009. The Panel will consider the recommendations, and agree a final view on whether or not this change should be made.

This document contains a summary of the industry responses to the Report Phase Consultation. You can download the full individual responses from ELEXON's website [here](#).

158/04

P236
Draft Modification Report

7 August 2009

Version 0.5

Page 2 of 10

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Why Change?

Currently the Q8 claims process prevents Lead Parties from claiming for Trading Charges and Avoidable Costs incurred by Subsidiary Parties where an MVRN is in place.

Solution

Amend Section Q8 of the BSC, so that the Trading Charges and Avoidable Costs of both the Lead and Subsidiary Party are considered by the Q8 claims committee.

Impacts & Costs

We believe that the impacts of the P236 solution would be minimal and here are no system impacts. However, Parties may have to update their internal processes.

The estimated implementation cost is £770 (3.5 man days of effort).

Implementation

P236 will be implemented 5 Working Days after an Authority Decision has been received.

The Case for Change

The Panel and the Modification Group believe that P236 will provide equitable treatment for Parties who are subject to an MVRN. It will also ensure Parties are not exposed to Imbalance costs through no fault of their own.

Recommendations

The Panel recommend P236 be **APPROVED**

2 Why Change?

Introduction

Physical Notifications (PNs) are notifications sent by Parties to the Transmission Company to show the expected level of energy they will be adding to, or removing from, the Transmission System.

The Grid Code obligates Generators to provide their best estimate of power output through PN submissions. Generally, a Party's PN will be consistent with its contractual position. In the event of an Outage, Parties are unable to update their PNs and must subsequently follow their last valid PN submission. Such a restriction could potentially result in a difference between the metered output and the contract position of the Party, which will ultimately lead to Trading Charges.

However, the BSC allows Parties to claim compensation for such losses. The Outage compensation claims process is detailed in section Q of the BSC and is commonly referred to as the 'Q8 Claims process'.

What can be claimed?

Section Q states that following an outage compensation period, any Lead Party of a BM Unit (i.e. the Party registered to the BM Unit) that considers it has suffered material loss can claim. Lead Parties can claim compensation for losses incurred on:

- Trading Charges – typically this is the sum of the Imbalance costs and the Residual Cashflow Reallocation Cashflow (RCRC); and
- Avoidable Costs - costs that could be avoided if an Outage did not occur.

However, the Q8 claims process does not take into account costs where Lead Parties enter into a Metered Volume Reallocation Notification (MVRN).

Metered Volume Reallocation Notifications

MVRNs allow Lead Parties to allocate either a percentage or a fixed volume of their BM Unit's energy to the Energy Account of another Trading Party. This Trading Party is known as a Subsidiary Party.

When a MVRN is in place, Subsidiary Parties take responsibility for the Trading Charges associated with the Energy volumes allocated to their account, as well as any associated liabilities under the BSC, including Imbalance Costs.

The issue

As set out above, Section Q states that only a Lead Party can claim for compensation if there is an impact on their Trading Charges and Avoidable Costs. Under these rules Subsidiary Parties cannot claim. Neither can Lead Parties claim on behalf of Subsidiary Parties.

Where a MVRN is in place, the situation is created that:

1. the Lead Party cannot claim for any Trading Charges related to the Energy Volumes used in the MVRN as they have not incurred any losses; and



What is an Outage?

A period where Lead Parties cannot submit PNs or Bid-Offer data because the Transmission Company's communication services have failed or been withdrawn.
Section Q 1.2.1 (c)



Outage Compensation Period

Not every Outage is eligible for compensation. Claims can only be made for an 'Outage Compensation Period'.

This is where National Grid has given less than 12 hours notice prior to the start of the Outage or the Outage lasts longer than 2 hours.

2. the Subsidiary Party, although potentially incurring losses in relation to the Metered Volumes, cannot claim as they are not registered to the respective BM unit.

P236 seeks to amend the Q8 claims process so that, where the affected BM Unit is subject to MVRNs, the Trading Charges and Avoidable Costs of both the Lead Party and the Subsidiary Party or Parties are considered.

3 Solution

Significant Changes?

The P236 solution will not make significant changes to the current Q8 claims process.

Currently, the Lead Party must submit a claim within 10 Business Days after an outage compensation period. The claim must include an explanation of how the Lead Party believes they have suffered loss, along with any supporting evidence. The Q8 committee then considers the claim, requesting further information from the impacted Party, ELEXON or Transmission Company if required. The Q8 committee not only take into account the financial impact on Trading Charges and Avoidable Costs, but also whether the Lead Party acted reasonably in submitting its original Notifications. Any compensation awarded is paid to the Lead Party.

P236 will not alter this process. It will however widen the remit of what the Q8 committee can consider as part of a claim and what a Lead Party can claim for.

How will it do this?

P236 will amend the Q8 claims process so that, where the affected BM Unit is subject to MVRNs, the Trading Charges and Avoidable Costs of both the Lead Party and the Subsidiary Party or Parties are considered by the Q8 claims committee.

This will not enable Subsidiary Parties to individually claim using the Q8 process. But it allows the Lead Party to have such financial loss considered by the Q8 committee as part of their claim.

Where a BM Unit is subject to an MVRN and the Lead Party makes a claim, the Lead Party will also be required to submit details of all MVRNs associated with the BM Unit(s). These details include:

- Details of the MVRN i.e. the percentage of energy or fixed volume being transferred;
- The name of the Energy Account the energy is being transferred to; and
- The name of the Trading Party (Subsidiary Party).

To assist the Q8 committee with progressing such a claim, ELEXON will contact the impacted Subsidiary Party/Parties. This is to assure the Q8 committee that the Subsidiary Party is aware of the claim and its contents. The Subsidiary Party does not have to agree or fully support the claim, but to acknowledge that the Lead Party is claiming the costs. The Q8 committee will take this into account during the claim hearing.

As with the current claims process, any compensation will be issued to the Lead Party. The division of any received compensation is subject to individual bi-lateral contracts between the Lead and Subsidiary Parties.

The Modification Group did not develop an Alternative Modification.

P236 Q8 claims process

The Q8 claims process under P236 is detailed below. The current process is shown in black text, with the P236 amendments **highlighted**.

1. Within 10 Business Days of an outage compensation period the Lead Party submits a claim where it has, **or where a MVRN is in place any Subsidiary Party/Parties have**, incurred a net financial loss on Trading Charges and Avoidable Costs;
2. The claim must be accompanied by a statement and explanation of loss that has been incurred. **The Lead Party must include details of all MVRNs in place on their BM Unit(s) i.e. not just when there is an impact on a Subsidiary Party.**
3. **Within 10 Working Days of a claim being submitted, ELEXON will contact the impacted Subsidiary Party/Parties. This is to ensure that all affected Parties are aware that a claim is being submitted for an Outage Compensation Period.**
4. ELEXON provides analysis of the impact on **the net** Trading Charges and Avoidable Costs and presents a summary to the Q8 Committee.
5. The Q8 committee reviews the claim of the Lead Party. The committee takes into account the financial impact on Trading Charges and Avoidable Costs of the Lead Party, **and any impacted Subsidiary Party/Parties**. It also considers whether the Lead Party acted reasonably in submitting its original Notifications. Any compensation is awarded directly to the Lead Party.
6. Where appropriate, the Q8 committee can request for further information from the Lead Party, **Subsidiary Party**, ELEXON or Transmission Company during its evaluation of the compensation claim.
7. If the claim is upheld, the Lead Party will directly receive the total compensation amount. Where the committee believes it to be justifiable, it can instruct a different compensation amount.

Details of how the Group developed this solution is included in the P236 Assessment Report and Detailed Assessment (Attachment A and B respectively) of this document.

158/04

P236
Draft Modification Report

7 August 2009

Version 0.5

Page 6 of 10

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Impacts and costs to industry and ELEXON

The impact and cost of implementing the P236 solution would be minimal. There are no BSC system impacts. However, Parties may have to update their internal processes and their contractual arrangements.

We do not anticipate that there will be a significant increase in ELEXON workload as a result of administering the revised claims process.

Materiality of the P236 solution

The P236 Modification Group considered the materiality of including Subsidiary Parties' Trading Charges in the Q8 claims process and undertook some analysis.

The analysis used the assumption that an average Outage Compensation Period lasts for 4 hours. As such, for a sample of BM Units, the PNs received 4 hours before Gate Closure were compared with those received by Gate Closure. This highlights how a Party would be impacted if it couldn't update its PN should an Outage occur. This analysis was carried out for those BM Units with and without MVRNs in place. This allows a comparison between the compensation that could possibly be claimed under the current Q8 process, and the potential compensation amounts under a P236 regime. Further details on the analysis can be found in Section 6 of Attachment B.

The results of the analysis indicate that there is an increase (around fourfold) in the number of Parties in imbalance who could make a claim. This is not surprising since around 60% of BM Units have MVRNs in place and therefore would not be able to claim under current arrangements. However, the analysis also shows that although the number of Parties able to claim is increased, the amount of potential compensation does not increase proportionally. In fact around 50% of the 'new' potential compensation amounts are below £1000.

Additionally, the analysis has indicated that over the last 12 months, a number of MVRN BM units that have been financially impacted due to an Outage, have not attempted to raise claims. This would suggest that Parties may not often consider the compensation amount under the Q8 process as being a significant financial loss.

This assumption is further supported by the majority of respondents to the P236 consultation who stated that they would not change the way they use MVRNs nor would they have raised a claim if the P236 solution was in use.

The Group considered these findings and concluded that, while the impact of the P236 solution was low as it does not alter how a Party would act, it should be implemented as it corrects an existing defect in the Code. It is believed that as MVRNs become more widely used, the materiality of P236 may increase, and addressing this defect sooner will avoid any issues and litigations that may arise due to an unclear claims process.

5 Implementation

The proposed implementation date is **5 Working Days following** an Authority Decision.

6 The Case for Change

Applicable BSC Objectives

The view of the Panel is that the Proposed Modification **WOULD** better facilitate the achievement of Applicable BSC Objectives (c) and (d) when compared to the current BSC baseline. The arguments made in support were as follows:

Applicable BSC Objective (c)

P236 would promote effective competition as:

- Parties would not be exposed to Imbalance costs which are caused by no fault of their own.
- Including 'Subsidiary costs' in the Q8 claims process means all Parties are treated equally.
- It would enable the intended consequences of MVRNs to be fully realised by all Parties impacted during an outage, through the Lead Party.
- P236 improves transparency of the Q8 claims process resulting in claims accurately reflecting costs incurred.

Applicable BSC Objective (d)

P236 would promote efficiency in the implementation of the balancing and settlement arrangements as:

- Removing uncertainty of what Parties can and cannot claim for helps the efficiency of the Q8 committee and removes the risk of escalation, or litigation, should a Party wish to claim for Subsidiary Party costs.

7 Panel Discussions

What were the Panel's initial views?

The Panel considered the Group's Assessment Report at its meeting in July 2009.

The Panel unanimously agreed with the views of the Modification Group and consultation respondents, that P236 better facilitated the Applicable BSC Objectives.

Implementation approach

In discussing the implementation approach, a Panel member queried whether the implementation for P236 was dependant on a standard BSC Release. ELEXON confirmed that this was not the case, and that P236 would be implemented 5 Working Days after receiving an Authority decision, as there were no system impacts; only updates to the Code.

Draft Legal text

The Panel noted that some comments were received on the Legal Text and that these were being discussed with the respective respondents. ELEXON explained that any required updates to the Legal Text would be made prior to it being issued to industry in the Report Phase consultation.

8 Panel's initial Recommendations

The Panel initially recommends:

- P236 **should** be made;
- A provisional Implementation date of **5 Working Days** following an Authority decision;
- The legal text for Proposed Modification P236 as contained in Attachment C.



Recommendation

The Panel's initial unanimous recommendation is that the Proposed Modification should be made.

9 Report Phase Consultation Responses

Following the initial Panel discussions ELEXON issued a Report Phase consultation in July 2009. This consultation provides an opportunity for the industry to comment upon the Panel's initial recommendations.

This table summarises the Report Phase Consultation responses.

	Question	Responses
1	Do you agree with the Panel's view that the Proposed Modification should be approved and the arguments against the Applicable BSC Objectives?	5 Yes - Unanimous 0 No
2	Do you agree with the Panel's suggested Implementation Date?	5 Yes - Unanimous 0 No
3	Do you agree that the legal text delivers the intention of P236?	5 Yes - Unanimous 0 No
4	Do you have any further comments on P236?	0 Yes 5 No - Unanimous



What are consultation respondents' views?

Respondents unanimously support the approval of the Proposed Modification.

The full Report Phase responses can be found on the [P236 webpage](#).

Unanimous Industry Support

Respondents unanimously agree with the Panel initial recommendations that:

- The Proposed Modification P236 should be made;
- P236 should be implemented 5 **Working Days** following an Authority decision.

While there was unanimous agreement for the P236 implementation approach, a respondent suggested that some Modifications should be implemented retrospectively. It was concluded such an approach would offer no significant benefits under P236, as the majority of Parties to the Assessment consultation indicated that they would not act differently had the Modification been in place at an earlier date. Retrospective implementation does however remain an option that Modification Groups are free to consider when assessing any Modification Proposal.

158/04

P236
Draft Modification Report

7 August 2009

Version 0.5

Page 9 of 10

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10 Panel's Final Views and Recommendations

What are the Panel's final views?

This section will be completed following the Panel's meeting on 13 August 2009.

ELEXON invites the Panel to:

- NOTE the P236 Draft Modification Report and the Report Phase consultation responses;
- CONFIRM the recommendation to the Authority contained in the P236 Draft Modification Report that Proposed Modification **should** be made;
- AGREE an Implementation date of **5 Working Days** following an Authority decision; and
- AGREE the legal text for Proposed Modification (as contained in Attachment C);

11 Further Information

More information is available in:

Attachment A: P236 Assessment Report

The Assessment Report can be accessed by via the [P236](#) page of the ELEXON website and contains:

- A high level summary of P236 and its solution

Attachment B: Detailed Assessment

The Detailed Assessment can be accessed by via the [P236](#) page of the ELEXON website and contains:

- An overview of Outages and PNs
- The roles of ELEXON and the Q8 Committee
- Modification Group Terms of Reference
- Modification Group discussions
- Impacts and costs
- Process followed for P236

Attachment C: Legal Text

Other related documentation can be found on the [P236](#) page of the ELEXON website.

158/04

P236
Draft Modification Report

7 August 2009

Version 0.5

Page 10 of 10

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P236 – PROPOSED DRAFT LEGAL TEXT

SECTION Q: BALANCING MECHANISM ACTIVITIES (Version 18)

Amend paragraph 8.2.1 to read as follows:

8.2.1 Subject to the provisions of the Code, following an outage compensation period, a Party which:

(a) is the Lead Party of any BM Unit(s); and

(b) considers:

(i) ~~that~~ it suffered (consistent with the matters set out in paragraph 8.2.5) a material loss, which it could not reasonably have avoided, as a result of its inability to submit Physical Notifications during an outage compensation period; or

(ii) where a Metered Volume Reallocation Notification(s) is in force for any BM Unit(s), that collectively it and all Subsidiary Parties in relation to any BM Unit (“relevant” Subsidiary Parties for the purposes of this paragraph 8) suffered (consistent with the matters set out in paragraph 8.2.5) a net material loss, which could not reasonably have been avoided, as a result of its inability to submit Physical Notifications during an outage compensation period,

may, within the period of 10 Business Days after the end of the compensation outage period, submit to BSCCo a claim for payment of compensation to be determined in accordance with this paragraph 8.2.

Insert new paragraph 8.2.1A to read as follows:

8.2.1A The Party shall, at the time at which it submits a claim under paragraph 8.2.1:

(a) provide a statement and explanation of the basis on which it considers that it has or it and all relevant Subsidiary Parties have suffered such a loss as is referred to in paragraph 8.2.1; and

(b) for each Metered Volume Reallocation Notification(s) in force for any relevant BM Unit(s) provide:

(i) the MVRNA Authorisation under which it is given (thereby identifying the BM Unit, the Lead Party and relevant Subsidiary Party and the Subsidiary Energy Account to which it relates); and

(ii) for each relevant Settlement Period, the quantity of Active Energy and the percentage (either of which may be zero) of BM Unit Metered Volume allocated to each Subsidiary Energy Account in accordance with Section P3.3.

Amend paragraph 8.2.2 to read as follows:

8.2.2 The Panel will not consider a claim by a Party for compensation under this paragraph 8.2 unless the Party's submission under paragraph 8.2.1 demonstrates (but without prejudice to what the Panel determines under paragraph 8.2.4), to the reasonable satisfaction of the

Panel, that it and any relevant Subsidiary Party suffered such a loss as is referred to in paragraph 8.2.1(b).

Amend paragraph 8.2.3 to read as follows:

8.2.3 For the purposes of this paragraph 8.2:

- (a) the Party shall, ~~at the time at which it submits a claim under paragraph 8.2.1, provide a statement and explanation to the Panel of the basis on which it considers that it has suffered such a loss as is referred to in paragraph 8.2.1(b), and shall~~ provide such other information as the Panel may reasonably request by way of justification of what is claimed in the Party's statement or otherwise for the purposes of the Panel's determination of such matters;
- (b) a relevant Subsidiary Party shall provide such other information as the Panel may reasonably request by way of justification of what is claimed in the Party's statement or otherwise for the purposes of the Panel's determination of such matters;
- (bc) to the extent required by the Panel, the Party shall comply with the requirements of Section G2.2.1 in relation to determination of Avoidable Costs for its BM Units; and
- (ed) the Transmission Company and each Distribution Company shall provide such information as the Panel may reasonably request for the purposes of determining the matters in paragraph 8.2.3.

Amend paragraph 8.2.4 to read as follows:

8.2.4 Where the Panel determines (in accordance with paragraph 8.2.2) to consider the Party's claim, the Panel shall determine, in its opinion, the amount of the loss:

- (a) which was suffered by the Party and any relevant Subsidiary Party; and
- (b) which the Party and any relevant Subsidiary Party could not reasonably have avoided,

as a result of the Party's inability to submit or resubmit Physical Notifications during the outage compensation period.

Amend paragraph 8.2.5 to read as follows:

8.2.5 In determining the amount (if any) of the loss suffered by a Party and any relevant Subsidiary Party, and whether and the extent to which the Party and any relevant Subsidiary Party could reasonably have avoided such loss, the Panel shall have regard to the following:

- (a) whether and the extent to which, in the opinion of the Panel, the net financial position of the Party together with all relevant Subsidiary Parties, in respect of Trading Charges, was worse than the net financial position of the Party together with all relevant Subsidiary Parties, in respect of Trading Charges and Avoidable Costs, would have been if the Party had been able to submit or resubmit Physical Notifications during the outage compensation period; where Avoidable Costs refers to Avoidable Costs which would have been incurred in respect of changes which would (if the Party had so been able) have occurred in Exports and/or Imports of the BM Units of which the Party is Lead Party; and

- (b) whether and the extent to which, in the opinion of the Panel, the Party acted reasonably and prudently in making commitments which resulted in notification of Energy Contract Volumes relating to relevant Settlement Periods, and otherwise in its operations under the Grid Code and the Code;

and the Panel shall disregard costs and losses (including in respect of amounts payable in respect of such commitments as are referred to in paragraph (b)) other than those referred to in paragraph (a).

8.3 Compensation entitlements

Amend paragraph 8.3.1 to read as follows:

8.3.1 Where a Party has submitted a claim for compensation in accordance with paragraph 8.2:

- (a) that Party and any relevant Subsidiary Party shall be informed of the Panel's determination under paragraph 8.2.4;
- (b) that Party shall be entitled to be paid by the BSC Clearer the amount (if any) determined in accordance with paragraph 8.2.4, together with interest at the Base Rate on such amount from the Initial Payment Date for the Settlement Period in which the outage compensation period ended to (but not including) the date (if later) when such payment is made;
- (~~b~~c) the Transmission Company shall be liable to pay to the BSC Clearer an amount equal to the amount payable under paragraph (a);
- (~~e~~d) such entitlements and liabilities shall be Ad-hoc Trading Charges for the purposes of Section N6.9; and
- (~~d~~e) BSCCo shall give such instructions to the FAA as are necessary to give effect to the payment of such Ad-hoc Trading Charges.